

The University of Chicago

GROWTH IN THE RESOURCES FOR
STUDIES IN EARLIER ENGLISH
HISTORY, 1534-1625

A PART OF A DISSERTATION SUBMITTED TO
THE FACULTY OF THE DIVISION OF THE
HUMANITIES IN CANDIDACY FOR THE
DEGREE OF DOCTOR OF PHILOSOPHY

DEPARTMENT OF ENGLISH LANGUAGE AND LITERATURE
DECEMBER, 1938

By
MARC FRIEDLAENDER

CHICAGO, ILLINOIS

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CHAPTER V

DEVELOPMENTS IN THE CARE OF THE RECORDS OF THE REALM AND IN THEIR AVAILABILITY FOR USE

The developments which occurred before 1625 in the collection and conservation of what we may call "historical manuscripts," and the means which were taken before that date to make them readily available to the researcher have been traced. We now turn to a consideration of similar conditions and developments in the care and availability of what may in contradistinction be called "records." Any such division into the public and official as distinct from the private and unofficial documents must be more or less arbitrary during this period, for as has been observed and as will be further pointed out, many official documents or records continued to repose in or to pass into private libraries to the very end of the period, so that many of the libraries whose growth has been charted, notably Cotton's, contained "records" as well as "manuscripts." Our concern is here with those official documents which remained in or came into the offices of the records of the realm before 1625.

For more than two centuries the records of the realm had been deposited in three main centers in London and Westminster. The Westminster group of repositories had consisted of four chief treasuries for the records, all called loosely the Exchequer treasuries--two treasuries in and adjoining the Palace and two others in the Abbey--and the special record offices of the various law courts. All the records from 1483 onwards connected with the Great Seal or the Court of Chancery remained in their original depository in the Rolls Chapel and surrounding houses in Chancery Lane near the Inns of Court, not having been transferred to what had been earlier considered the ultimate repository of Chancery records--the Tower. In this third record center, situated in the Wakefield Tower, reposed the earlier Chancery and parliamentary records together with some which originated in Westminster.¹

¹For the main facts in the earlier history of the three

Broadly speaking, though with certain noteworthy exceptions, these several depositories retained throughout the period under review the same jurisdictional character they had assumed before the opening of the sixteenth century. We have a number of descriptions and statements about the documents in each of the offices of records from almost the beginning of the reign of Elizabeth to the end of the reign of James. These lists show little change as between the three chief record centers during the period.

From 1377, when Edward III united the offices of Keeper of the House of Converts and Master of the Rolls and turned the House of Converts into use as a record repository,¹ this Chapel of the Rolls was "the place of the first birthe and orriginall" of the records of the Court of Chancery.² But from time to time from that date to the twentieth year of the reign of Henry VIII,

When as by lengthe of tyme the nombre of them increased and that the same by reason of their agge were become to be of lesse use or service to that Courte³

the older records were removed to the Tower. The last records removed in the reign of Henry VIII were those which ushered in the reign of Richard III. No further substantial removals were

depositories, so far as they have been worked out, see, Hubert Hall, Studies in English Official Historical Documents (Cambridge: University Press, 1908), pp. 17-21, 111, 118. A number of important facts in the earlier history of the Tower as a record office are gathered in three sixteenth century documents: British Museum, MSS Lansdowne cxiii.34, fols. 109a-110a; cxiii.35, fol. 111a and b; Public Record Office, State Papers, Domestic, Elizabeth, XLIII.6. On the earlier history of the Rolls Chapel see, W. J. Hardy, "The Rolls House and Chapel," Middlesex and Hertfordshire Notes and Queries, II, 49 et seq.; H. C. M. Lyte, "The Rolls Chapel," The Deputy Keeper of Public Records, Fifty-Seventh Report (London, 1896), Appendix, pp. 19-26. On the Exchequer treasures see, Sir Francis Palgrave, The Antient Kalendars and Inventories of the Treasury of his Majesty's Exchequer . . . (London, 1836), Vol. I, Preface.

¹British Museum, MS Lansdowne clxxiv.12, fol. 49b: "In the tyme of kinge Edward the Third a speciall care being then had for the preservacion of the Recordes there was not any place then holden more fytt or convenient both for the saffe keeping of them, and alsoe for the convenience of the place then the Chappell of the Rolles w^{ch} chappell being formly belonging to the convertes was given by ye said kinge to yt use."

²British Museum, MS Lansdowne cxiii.35, fol. 112a.

³Ibid.

made before 1625, and the Rolls Chapel during the period of our study contained

all the parliament rolls, patent rolls, treasurer's rolls, close rolls, fine rolls, bundles of escheators, inquisitions, attainders, and surrenders, and all other rolls and records whatsoever of her [Majesty's] chancery, of and for the times and several reigns of King Richard III, Henry VII, Henry VIII, Edward VI, [Mary, and Elizabeth].¹

Its contents were more specifically described in 1622 by Thomas Powell, who, after noting that

The Office of Records of Chancerie (commonly called the Rolls) hath diverse Records of diverse and sundry Natures, beginning with some part of King Richard the third; and so from thence drawne downeward to the present

listed the holdings there under the headings of Patent Rolls, Commissions which pass the Great Seal, Close Rolls, the Foreign or French Roll containing treaties, the Lord Treasurer's or Fine Roll, the Roll of Confirmation of Liberties and Grants from the King, the Parliament Roll, the Roll of the Creation of the Nobility, the Roll of Judgments and Decrees of Causes in the Chancery, and certain Rolls of miscellaneous matter, together with records classified as bundles. The more important of these bundles were those containing files of bills and answers in Chancery, writs of certiorare, attachments, proclamations and commissions of rebellion, writs of scire facias, records under the statute of the Staple, inquisitions of escheat, privy seal documents passed under the Great Seal, bills signed by the King for passage under the Great Seal, warrants from the Court of Wards and Liveries, warrants of escheators, and so forth, from the Lord Treasurer, and inquisitions taken upon survey and suppression of religious houses.²

The office of records in the Tower apparently received no notable augmentations from the reign of Henry VIII to the end of our period of study, its holdings consisting generally of the

¹Public Record Office, State Papers Domestic, Elizabeth, XLII (1567). 74.

²Direction for Search of Records Remaining in the Chancerie, Tower, Exchequer (London, 1622), pp. 1-10; The Repertorie of Records Remaining in the 4. Treasuries of the Receipt side at Westminster. The Two Remembrancers of the Exchequer. With a briefe introductive Index of the Records of the Chancery and Tower. Whereby to give the better direction to the Records abovesaid (London, 1631), pp. 1-3.

same class of documents to be found in the Rolls, but of the period before Richard III:

The Office of Records of the Tower of London is a member or Limne of the office of the Rolls of Chancerie; and was made and ordayned onely, to receive all the old Records from the Chaple of the Rolls of Chancerie, at such times as the Master of the Rolls should thinke fit to disburden the Chaple, and send such Rolls as whereof there is lesse use (by reason of their Antiquitie) over to the Office of the Tower.

The Records of the Office of the Tower begin with some part of King Richard the Third, and so extend backward towards the Conquest; howsoever, it hath but few Records more ancient, then of King John, and Henry the second.¹

However, in addition to the same classes of records as those found in the Rolls

The Office of the Tower, by reason of the antiquitie of Records containd in it, hath some Records, the like whereof are not in the Chaple of the Rolls: viz.

diverse rolls of "Parliament Businesses" and "Foreign Businesses,"² and also certain ancient rolls concerning the Taxation of the Spiritualltie and of the Temporalltie and Perambulations of the Forests which are paralleled by like rolls in the Westminster treasuries.³

Indeed, it had anciently been used in the Tower also

to bestowe and keepe the moste auncient Recordes of the kinge and of his Juditiall Courtes at Westm;⁴

and it would seem that earlier the Tower had been regarded as the ultimate repository for all the records of the realm. A special judicial commission appointed by the Privy Council in 1604 to inquire into a jurisdictional dispute over the records reported that they, upon investigation,

doe finde that the Records of the Chancery, Kings Bench, Comon Pleas, and other Courts have antiently been kept in one place in severall Boxes, Presses and Cupboards within the Tower where they now Remaine,

¹Direction for Search of Records, pp. 16-17; Repertorie of Records, pp. 5-11; British Museum, MSS Lansdowne cxiii.33, fols. 103a, 104a; Stowe 543, fols. 1-55; Harleian 94.6.

²Direction for Search of Records, pp. 17-18.

³Ibid.

⁴British Museum, MS Lansdowne cxiii.35, fol. 112a.

and again that, in addition to the chancery rolls,

there be divers other Remaining in the Tower that have been removed thither from the Kings Bench, the Comon Pleas, the Exchequer and other Courts of his Matye.¹

Although the Commission doubtless had specific information about the contents of the Tower treasury at that time, from the absence of reference to any substantial number of King's Bench, Common Pleas, or Exchequer records in the Tower in any of the contemporary calendars or descriptive surveys of the record repositories, it appears that most of the records of Westminster provenance which had earlier been deposited in the Tower, had, by the time the period of our study begins or shortly thereafter, been removed again into the Westminster treasuries by Exchequer officers.²

As far back as the twelfth century there are notices of a royal treasury at Westminster containing records, and from the early fourteenth century the several treasuries which had developed there were divided into separate and independent units, each unit exercising entire control over its own records. These units had come to be of four general divisions. There was first the group of treasuries which made up the Treasury of the Receipt side of the Exchequer. The records of the several courts of law constituted a second group. The offices of the two Remembrancers', the King's and the Lord Treasurer's, were a third well-defined group, and the fourth was composed of what may be called the records of the crown or of the realm. Although it is possible thus to separate and classify the records according to their origin, in a number of cases in the sixteenth century records originating in several of these large fields of jurisdiction were to be found in a single record treasury, and records of a single jurisdiction were separated into several treasuries according to their antiquity. According to situs, the treasuries fell into two main divisions, those which were in and adjoining the Palace of Westminster and those which were within the confines of Westminster Abbey. There were two main treasuries within the Palace

¹British Museum, MS Stowe 415.39, fol. 191a and b.

²British Museum, MS Lansdowne cxvi.6, fol. 19b: "It appeareth by sonndrye Recordes remeyninge in the sayd Theasaurie, that there hath bene geven allowance, unto the Clerkes & Deputyes of the sayd Lord Theasoror and Chambleynes, for the arrayinge & removinge of the Recordes of the Tower" MS Harleian 94.3, fol. 40.

and two within the Abbey, the whole group of Westminster treasuries often being referred to as the Four Treasuries of Westminster. Actually, however, by the time our study begins there were a number of additional treasuries housing the remembrancers' records and the more recent records of the several courts of law.

The first of the treasuries was the Treasury of the Receipt of the Exchequer which adjoined the Court of the Exchequer in Westminster Hall. This treasury contained the most ancient Exchequer records, including the two Books of Domesday, the Black Book of the Exchequer from the reign of Henry II, the Patent Roll of Edward II, the Institutio Scaccarij, as well as perambulations of the forests to the reign of Henry IV and some of the early assizes, quo warranto, and fine rolls.¹ Also considered a part of the Treasury of the Receipt was "a litle Roome adjoyning to the same Courts," "neere to the Records of the Augmentation Office," in which in three large chests and in bags hung upon the walls were kept "Diverse Records; as Pleadings, and other things commixed, of the time of King Edward the first, King Edward the second, and King Edward the third."² The few records kept in the office of the Clerk of the Pells completed the holdings of the Treasury of Receipt.³

The second treasury in "the New Palace of Westminster," "where the Courte of Wardes was," had contained before the reign of Elizabeth and continued to contain until late in the reign of James, many "Recordes of Leagues wth the Realmes of Arragon, Flaunders, Germanie, some of France, wth others" and "sonndrie bookes of forreyne Accompte."

Also there are in the said Theasaurie in the Pallaice, sundrye Recordes, memyoringe the deposinge of the Busshop of Rome, And bookes of subscripcyon of the moste pte of the Preestes thorought the Realme to the kinges supremacye &c. Also bookes of the ordres of St George & St Michael, The Covenante of mariage betwixte Kinge Phillip & Quene Marie, wth other mattres of State.⁴

¹MS Lansdowne cxiii.33, fol. 103; The Repertorie of Records, pp. 17-19; Direction for Search of Records, pp. 50-52.

²Direction for Search of Records, p. 50; The Repertorie of Records, pp. 19-27.

³Direction for Search of Records, p. 54.

⁴MS Lansdowne cxvi.6, fol. 19. MS Harleian 94.3, fols. 39-40 is a draught of the Lansdowne version, not differing from

Of the two record treasuries within "the late dissolved abbey of Westminster," the first was situated in the former Chapter House behind the Abbey itself and was called the "Round Treasury."¹ Apparently, at the dissolution or soon thereafter it was taken over for the housing of records for the first time. In 1573 or thereabouts it was still styled "the newe Theasaurye."² In it had been placed before the reign of Elizabeth the most ancient records of the two great courts--Common Pleas and King's Bench, probably in order to relieve congestion in the record offices attached to the courts themselves. The records of Common Pleas which had been removed here extended to the end of the reign of Richard II; those of the King's Bench to the end of Henry V.³ In addition, it contained those Fines, Writs, and Assizes which had formerly been deposited in the Treasury of Receipt. These included some of the most ancient rolls and extended downward to part of the reign of Henry VII.⁴

Adjoining the Round Treasury was the fourth of the great Westminster treasuries, sometimes called the King's Treasury, situated in the cloisters of the Abbey. Within there reposed the most precious records of the Crown, their importance attested by the "two strong double Doores" through which entrance had to be made. These records consisted of the most ancient treaties with foreign states, Bulls, Royal Wills, and a variety of state documents.⁵

As was indicated previously, these four treasuries, all

it in the portions above quoted. The Lansdowne manuscript was printed with some errors in John Stow, The Survey of London, ed. John Strype (6th ed.; London, 1754), II, 631, 632. These manuscripts give the contents of this second treasury in the late sixteenth century. The character of the records there had not changed much when listed by Agard early in the seventeenth century: The Repertorie of Records, pp. 28-33. For the changes in this Treasury about 1610, see infra, pp. 168-169.

¹Direction for Search of Records, p. 50; The Repertorie of Records, pp. 15, 33.

²MS Harleian 94.3, fol. 39.

³Direction for Search of Records, p. 50; The Repertorie of Records, pp. 33-92.

⁴MSS Lansdowne cxvi.6, fol. 19a; Harleian 94.3, fol. 39.

⁵Direction for Search of Records, p. 50; The Repertorie of Records, pp. 92-96.

loosely called the Treasuries of the Receipt or of the Exchequer, by no means constituted the sum of the record repositories at Westminster which had been established before the sixteenth century. Probably the most important of the other record offices for the historical student were the offices of the King's Remembrancer and the Lord Treasurer's Remembrancer, particularly the former.¹ Although in the offices of the two Remembrancers were to be found a great number of records, some as ancient as the reign of Henry III, these records were not kept in any single treasury but lay "in severall and differing places,"² presumably in various rooms in and about Westminster. In addition, the records of the King's Bench more recent than the reign of Henry V and of the Common Pleas more recent than the reign of Richard II reposed in offices attached to those courts, not having been removed to the Round Treasury in the Abbey.³ There were also separate repositories in and adjoining Westminster Hall for the records of the Clerk of the Estreats, the Auditors, the Office of First Fruits, the Office of the Augmentation of the Revenues, the miscellaneous "Courts Christian," and the Office of the Pipe, which last had rolls as ancient as Henry II.⁴

Outside the three record centers of Westminster, Chancery Lane, and the Tower, the only public record repositories which had been established before the sixteenth century and which continued through the period of our study to contain documents were the municipal record offices in the guildhalls and the ecclesiastical muniment rooms in such cathedrals as those of "Canterburie, Winchester, Lincolne, and in some other places of obscurer name."⁵

The records in the several main treasuries during the whole of the period under survey were in the custody of several kinds of crown officers, there being no single overseeing officer

¹Selden, Historie of Tithes, fol. f₂ verso; British Museum, MS Harleian 94.6.

²Direction for Search of Records, pp. 23-35; The Repertorie of Records, pp. 123-130.

³Direction for Search of Records, pp. 61-63, 65.

⁴Ibid., pp. 38-42, 44-48, 55-60, 67-77.

⁵Augustine Vincent, A Discoverie of Errours In the first Edition of the Catalogue of Nobility, Published By Ralphe Brooke, Yorke Herald, 1619 and Printed heerewith word for word, according to that Edition (London: William Jaggard, 1622), Prefatory letter to Vincent, fol. a₁ verso.

for all the records. The records at the Rolls Chapel and surrounding houses in Chancery Lane were under the control of the Master of the Rolls and under the immediate supervision of his deputy, if any, and of the Six Clerks of the Chancery and of the Three Clerks of the Petty Bag.

Like the Lord Chancellors and Keepers of the Great Seal they served, the Masters of the Rolls before the Anglican schism were of the clergy. Afterwards the office was completely secularized. Dr. John Taylor, whose patent was surrendered in 1535, was the last of the clerical masters. He was succeeded in the same year by Thomas Cromwell, who served but two years, he in turn being succeeded by Sir Christopher Hales, who served until 1543. Sir Robert Southwell served out the rest of the reign of Henry and four years of Edward VI until 1551. He was followed by Sir John Beaumont who held the office but two years. In the last year of Edward's reign Sir Robert Bowes or Bowis was granted the patent to the office on June 18, but had to surrender it three months later when Mary had come to the throne. Mary appointed to the office Sir Nicholas Hare, father of the Cambridge antiquarian and collector, Robert Hare. Sir Nicholas died four years later in 1557, and the Queen conferred the patent upon Sir William Cordell who retained the office until his death in May, 1581. Sir Gilbert Gerrard succeeded to the office and held it for thirteen years to his death in February, 1593/4.¹ Sir Thomas Egerton followed Gerrard in the office, but in 1596 he was made Lord Keeper.

Though Sir Thomas retained his patent to the mastership until May 18, 1603, it is clear from contemporary correspondence that the Rolls office was regarded as vacant in the years 1599-1601 and speculation was rife over whether Sir Julius Caesar, Serjeant Hele, Justice Gawdy, Secretary Herbert, or another would receive the appointment.² However, on the twenty-seventh of May, 1597, Sir Thomas had placed the Chancery records in the control of a trained worker in ancient documents for the first time. On

¹British Museum, MS Stowe 415.40, fol. 193b, a list prepared under orders of Sir Thomas Egerton of the names of the Masters of the Rolls, Edward I-Elizabeth. Cf., Calendar of Patent Rolls, Philip and Mary (1553-54), I, 209.

²Calendar of State Papers, Domestic (1598-1601), pp.481, 544 (Elizabeth, CCLXXV.100; CCLXXVIII.27).

that day he appointed Lambard as his deputy in the office of the Mastership:

Bee it known that I Thomas Egerton have constituted and appoynted Willm Lambert Esquire one of the M^{rs} of the said Court of Chancery, to be my Lawfull deputy in and for the keeping of the house and mesuage commonly called the House of the Rolles situate in Chancery Lane. And also in and for the safe keeping and ordering of all the Records, Rolles, Bookes, Writeings, Evidences, and Minnumentes, being or remaining or which should or ought to remaine or be in the possession or custody of me the said S^r Thomas Egerton, as M^r or keeper of the Records, Rolles, Bookes and writeings of her Matyes said Court of Chancery, or By reason of the said office of M^r of the Rolles.

Thomas Egerton¹

Lambard continued in charge of the records at the Rolls with good effect until on January 21st, 1600/01, he was given the keeping of the records in the Tower.² If Sir Thomas appointed another deputy upon Lambard's transference, it does not appear.

With the coming of James, the Mastership was given to Edward Bruce, Lord Kinloss, in May, 1603. He retained the office until his death in 1610/11. At that time Sir Edward Philips, who was a distinguished lawyer of the Middle Temple and who had been Speaker of the House of Commons in 1604, was made Master, and Sir Julius Caesar was given the reversion. Philips was spoken of by his contemporaries as an antiquarian and was proposed for membership in the Society of Antiquaries when attempts were made to revive that organization.³ Upon his death in 1614 Sir Julius Caesar assumed the office in accordance with his previous grant. Caesar had earlier been Chancellor and under-Treasurer of the Exchequer, and had there given aid and encouragement to the work of ordering and preserving the records, a help to which Arthur Agard paid tribute in dedicating to him his Catalogue of the Records in the King's Treasury at Westminster, calling him an "industrious lover of Antiquitie" and a "laborious servaunt in the Comon wealthe."⁴

Of the various holders of the office of Master of the Rolls during our period only Egerton, apparently, had a deputy to

¹British Museum, MS Stowe 415.12, fol. 30.

²British Museum, MS Additional 15664, fol. 226.

³*Archaeologia*, I (3d ed., 1804), xix. The MS there printed is the so-called Oldys-West MS.

⁴British Museum, MS Lansdowne cxxxvii, fol. 1a.

exercise actual control over the records. During the years studied it would seem too that few of the clerks of chancery attained distinction for their knowledge gained from the records, or earned any notice for their care or ordering of the records. The only one I have been able to find who did any work in the field of English history was John Clapham, who in 1602 published The Historie of England, The first Booke, enlarged in 1606 as The Historie of Great Britannie and carrying the history from the Roman invasion to the reign of Egbert. This work, however, was not antiquarian in nature and showed no record searching. It was rather one of the "rewritings" of the chronicles popular at the turn of the century.¹ Possibly too, the Peter Broughton who was one of the clerks of Sir Gilbert Gerrard was one of the several Broughtons mentioned during the late sixteenth century as antiquaries.² It is of course true that most often those who spend their lives laboring in the lesser positions doing yeoman service are nameless in history. So it is here.

Although the bulk of the records remaining in the Tower were Chancery records and as such were in the jurisdiction of the Master of the Rolls, a separate office had been created in 1483 for the keeping of the Tower records.³ The office of Keeper of the Records in the Tower during the reign of Henry VIII was held successively by Robert Harris, Roland Harris, and Richard Eaton. Eaton's patent was issued in September, 1538. He held office until 1550. However, in November, 1544, a new patent was issued appointing William Serveing (also called Snigg) to serve with Eaton "during the life of the longer liver of them." In patents of this sort, it appears that the second named had a reversionary interest only and was not a joint keeper. Snigg then never held the office of keeper, for upon Eaton's surrender of the office in 1550 Snigg's rights went unregarded. Possibly he had died in the

¹Clapham, in addition to being one of the Six Clerks, was in Burghley's service and was named in Burghley's will, being granted £6 13s. 4d. for life. Arthur Collins, The Life of William Cecil, Lord Burghley (London, 1732), p. 97. Clapham gave £5 and a copy of his Historie to the Bodleian in 1606. William Dunn Macray, Annals of the Bodleian Library, Oxford (Oxford, 1890), p. 36.

²Calendar of State Papers, Domestic (1591-94), p. 141 (Elizabeth, CCXL.93).

³MS Lansdowne cxliff.34, fols. 109b, 110a.

meanwhile. A new patent was issued to Edward Hales in consideration of the surrender of the original Eaton patent of 1538. Hales held the office until 1567, being succeeded by William Bowyer.¹

Bowyer, a member of the Middle Temple,² upon the recommendation of Sir Thomas Parry, Master of the Court of Wards, had eight years before been made deputy to Hales and for a large part of that time seems to have exercised entire control over the records in the Tower, already by 1564 asserting with that energy which characterized his whole career at the Tower the independence and complete autonomy of the office of Keeper.³ Bowyer's fruitful term ended with his death in 1581. However, he seems to have become inactive before that time, for by 1580 Thomas Talbot had become clerk of the records in the Tower and was performing the duties of keeper.

Talbot, like Bowyer before him, was a learned and industrious antiquarian, a member of the Society of Antiquaries,⁴ called by Camden in the *Britannia*, "A diligent examiner of records and perfect master of our antiquities" and by Thomas Milles "Limping Tho: Talbot, a great Genealogist, & of excellent Memory."⁵ How long Talbot continued as clerk in the Tower after the death of Bowyer is not certain. Upon the surrender of Bowyer's patent, a patent was issued to Thomas and Michael Heneage for the office.⁶

If Thomas Heneage ever exercised active control of the

¹MS Stowe 415.39, fol. 188a and b; Public Record Office, State Papers, Domestic, James I, IX.15. Both these documents were drawn up to settle the dispute over the office in 1604, of which we shall say more later, and contain copies of the patents to the office from Eaton's to the one then current.

²C. H. Hopwood, *Middle Temple Records* (London, 1904), I, 90.

³MS Lansdowne cxiii.34, fols. 106-107; Public Record Office, State Papers, Domestic, Elizabeth, XXXIII.2a; and a copy of this: British Museum, MS Stowe 543, fol. 60.

⁴British Museum, MS Stowe 1045, fol. 4b. This list was written by Tate in 1590. A later notation written on the list before 1601 indicates him dead before that date, and on other evidence it appears he died before 1599.

⁵*The Catalogue of Honor or Treasury of True Nobility . . .* (London, 1610), Dedication.

⁶MS Stowe 415.39, fol. 189a and b.

records, it was not for long. In April, 1585, he had already become "Treasurer of the Chamber" and was rapidly advanced to the positions of Vice Chamberlain of the Queen's Household and Chancellor of the Duchy of Lancaster.¹ Michael Heneage retained the office of keeper until his death at Christmas, 1600.² He too was a member of the Society of Antiquaries,³ was one of Thomas Milles's "learned friends" and was praised by him as "Honest Michael Hennage, that kind & carefull keeper of Records in the Tower."⁴

Upon Heneage's death there was a scramble for the office. Dr. William James, who, as we shall find, had had charge of the State Papers at Whitehall, had been promised the post of Keeper; but Dr. James himself died before the seventeenth of January following.⁵ However, no patent for the office was issued immediately, Lambard, then serving as deputy keeper in the Rolls, being given "the executing of it, but not the grant."⁶ He assumed charge of the records on the twenty-first of January, 1600/01,⁷ and held the office less than a year before death took him. In that short term, however, he accomplished all that might be expected of one who had given his life to the study and care of England's antiquities, and who was one of the most learned men of his time.

Upon Lambard's death or soon thereafter the charge of the records was given to Peter Proby, who had served in various capacities at Whitehall, including that of clerk or secretary to Burghley.⁸ In July, 1602, a patent for the keeping of the records in the Tower was issued to Sir Roger Wilbraham,⁹ Solicitor

¹Calendar of State Papers, Domestic (1581-1590), pp. 237, 441, 658.

²Calendar of State Papers, Domestic (1598-1601), p. 544 (Elizabeth, CCLXXVIII.27).

³MS Stowe 1045, fol. 4b; Bodleian Library, Oxford, MS Ashmole 7088, fol. 763.

⁴The Catalogue of Honor, Dedication.

⁵British Museum, MS Lansdowne lxxxviii.1, fol. 1; Calendar of State Papers, Domestic (1598-1601), p. 544.

⁶Ibid. ⁷MS Additional 15664, fol. 226.

⁸Calendar of State Papers, Domestic (1581-1590), pp. 663, 664; Calendar of State Papers, Domestic (1591-1594), p. 252.

⁹MS Stowe 415.39, fols. 189b-190a; State Papers, Domestic, James I, IX.15.

General in Ireland and Master of Requests.¹ Nevertheless,

This patent notwithstanding, yet Peter Proby kept the Records and had either all or most part of the fees during the Queens life.²

Upon the accession of James, for causes which will be examined later, Wilbraham surrendered his patent and on June 21, 1603, received a pension of £100 per annum in return.³ Proby, in the meanwhile, continued in charge of the records in the Tower, taking an oath of office before Sir John Peyton, Lieutenant of the Tower. However, in December, 1604, upon payment of £250 Proby was removed.⁴

On December 23, the grant of the office to Robert Bowyer was confirmed, with the reversion to Henry Elsyng.⁵ Bowyer was known as an antiquarian and, like his predecessors Talbot, Heneage, and Lambard, was a member of the Society of Antiquaries.⁶ Before he received the appointment at the Tower, he was secretary to Thomas Sackville, Lord Buckhurst, who was his chief patron for many years. Bowyer retained his secretaryship until 1607, and in that capacity possibly came to have some connection with the Exchequer records, over which Lord Buckhurst, as Lord Treasurer, presided. In 1610, Bowyer was given the clerkship of the House of Lords, and it was probably in that year that Elsyng succeeded him in the active charge of the records at the Tower.⁷ Elsyng's researches in parliamentary history are familiar.⁸ He lived with Bowyer, was his nephew by marriage, and seems to have followed or

¹"The Journal of Sir Roger Wilbraham," Camden Society, Publications, 3d Series, IV (1902), vii.

²MS Stowe 415.39, fol. 190a.

³Calendar of State Papers, Domestic (1603-1610), p. 15 (James I, II.12).

⁴MS Stowe 415.39, fols. 190b, 192a; State Papers, Domestic, James I, IX.14.

⁵Calendar of State Papers, Domestic (1603-1610), p. 178.

⁶Bodleian Library, Oxford, MS Ashmole 7088, fol. 763.

⁷David Harris Willson (ed.), The Parliamentary Diary of Robert Bowyer, 1606-1607 (Minneapolis: University of Minnesota Press, 1931), pp. ix-xi.

⁸Catherine Strateman, "'Expedicio Billarum Antiquitus,' An Unpublished Chapter of Elsyng's Treatise on Parliament," American Historical Review, XLII (1937), 225-234.

assisted Bowyer in his several offices until Bowyer's death. Elsyng apparently remained at the Tower until March, 1620/21, when Bowyer's ill health caused his retirement as Clerk. Elsyng, in that year, was appointed his deputy, and, upon Bowyer's death, was made clerk.¹

Elsyng was succeeded at the Tower Records by John Burroughs, or Boroughs, who was in the Office at the time our study ends.² During the early years of Burroughs's term Augustine Vincent had some oversight over the records in the Tower, but whether this charge came by virtue of his office of Rouge-Croix herald or by appointment of Burroughs does not appear. In his letter to Vincent in 1622 Selden wrote of the records "in the Tower with you";³ and in the same year Burton wrote that he had been encouraged by the assistance of

that expert Genealogist, my good friend and kinsman, M. Augustine Vincent, by his place Rouge-Croix, Officer at Armes, who very kindly from the Tower hath imparted to me many worthy notes, elsewhere not to be had or found, whose labours also in this kinde for the countie of Northampton, ere long will come to light.⁴

We have been able to trace with a degree of definiteness the succession of keepers of the records in the Tower. Unfortunately, the information available about those who had charge of the treasuries at Westminster is not so precise in many instances. The custody of the records in the Four Treasuries of Receipt in the Palace and the Abbey was a part of the office of Lord Treasurer, but the charge was in fact given to the two chamberlains of the Exchequer.⁵ Moreover, for long periods of time during the years being examined, the actual care of the records was deputed to under or deputy chamberlains whose names are usually not to be found. Powell, in defining the equipment which a keeper of the records should have in order to demean himself well in his office, restricts the application of the requirements to the

¹Ibid., pp. 225-226; D. H. Willson, op. cit., p. xii.

²British Museum, MS Harleian 1823, fol. 21.

³Augustine Vincent, op. cit., fol. a₁ verso.

⁴Description of Leicester Shire (London [1622]), Preface, fol. 9₃ recto.

⁵Direction for Search of Records, pp. 49, 50; The Repertorie of Records, p. 12; MS Lansdowne cxxxvii, fol. 1a.

deputy chamberlains only, indicating that the relation of the chamberlains to the records was usually remote. For the deputies he advised a knowledge of Latin and French and a familiarity with the extent and natures of the various classes of records.¹

The records of the separate courts at Westminster which had not been transferred to one of the Four Treasuries were, of course, in the charge of the several clerks of those courts. Even in the case of the records in the custody of the two Remembrancers, there was no single keeper charged with their safety and ordering:

You shall understand, that within the said severall Remembrancers there are severall Clerks, who have peculiarly and properly the keeping of severall Records: and that the Records of these Offices are not as those in Chancery, common to all the Clerks alike; especially for the Lord Treasurers Remembrancer, who hath under him diverse Secondaries and Clarkes, appointed to their severall Records distinctly.²

The list of chamberlains who have any importance in the story of the records begins with the name of Sir John Cheke. Almost at the conclusion of his illustrious career he was appointed Chamberlain of the Exchequer on August twenty-fifth, 1552.³ His term of office did not last long, however, for within a year he became a secretary of state and a member of the Privy Council. His interest in English historical manuscripts, which we have already noted, makes it unlikely that he did not manifest some interest in the state of the public records during his brief tenure, but facts are wanting.

He was succeeded by Robert Strelley who held office but briefly before he died. On the twenty-third of February, 1554, patent to the office was given to Henry, Lord Stafford.⁴ Stafford, as will presently be observed, was an industrious officer and labored to good purposes on the records under his care. His historical library has already been noted. Upon his death in 1564, the office passed successively to Sir Nicholas Throckmerton, Thomas Randolph, and Thomas West,⁵ none of whom appears to have

¹The Repertorie of Records, p. 131.

²Direction for Search of Records, p. 36.

³State Papers, Domestic, Edward VI, XIV.67.

⁴Calendar of Patent Rolls, Philip and Mary (1553-54), I, 4.

⁵Calendar of State Papers, Domestic (1581-90), p. 689 (Elizabeth, CCXXXIII.74a).

given much attention to the records. However, some years before West's appointment in 1590 there had come into the Exchequer as clerk a man who was to spend his life in the care and ordering of the records there and who was more important in the history of the Four Treasuries than any other individual--Arthur Agard.¹

In July, 1603, he was appointed Deputy Chamberlain,² in which office he continued until his death in August, 1615.³ During most of that time he served under Sir Walter Cope, who was then Chamberlain; and throughout his career he was intimately associated with Sir Robert Cotton. The aid of both these men in the records Agard gratefully acknowledged:

Two most woorthy gents Preservers and Gatherers of auncient monum^{ts} of Antiquities that I knowe (viz. my singuler good m^r S^r Walter Cope under whome I serve as deputie Chamberlaine, and Mr Robert Cotten.⁴

In the last years of the sixteenth century the Exchequer records were also in the custody of another clerk or deputy there, Vincent Skinner. How long he remained in control of the records I have not been able to find out. A letter from him to Sir Robert Cecil in 1599 in reply to a request to locate certain documents in the Exchequer treasury reveals that he was then involved in a dispute over the custody of the records, possibly with Agard:

To satisfy you in the points I received yesterday by Levinus [Monck] I have searched for the issues mentioned, but the quarrel I have had about my place has hindered and so utterly discouraged me that I could not do the service I intended. Now my intention and desire to have made a collection both in foreign and domestic matters, that might have been of use to you and others, is utterly slackd; and as much as I acknowledge to him by whose favour I received the place (though unknown to me then how painful and troublesome it was and has since proved), no less shall I owe to you for your good means with tolerable condition to abandon it.⁵

¹The exact date at which Agard began his work at the Exchequer cannot be fixed with certainty. One account, which gives no authority, makes the date 1570. Archaeologia, I (3d ed., 1804), vii.

²Sir Francis Palgrave, op. cit., III, 451. The appointment is printed there.

³Calendar of State Papers, Domestic (1611-18), p. 305 (James I, LXXXI.69).

⁴MS Lansdowne cxxxvii, fol. 2a.

⁵Calendar of State Papers, Domestic (1598-1601), p. 241 (Elizabeth, CCLXXI. 83).

Two of the Remembrancers of the Exchequer during the sixteenth century merit mention in this catalogue of record keepers because of their known interest and activity in the field of English historical studies, and because of the likelihood therefore that they concerned themselves somewhat with the records under their charge. Peter Osborne was made Lord Treasurer's Remembrancer in 1553, just after his close friend Sir John Cheke was made Exchequer Chamberlain. The two men must have been associated in their work in the Exchequer for Cheke in his last days lived at Osborne's house and died there in 1557. Osborne was active throughout the century in a variety of antiquarian endeavors and was probably associated in work of this kind with Archbishop Parker, whose executor he was. Thomas Fanshawe was the Queen's Remembrancer of the Exchequer before 1587.¹ After Thomas Sackville, Lord Buckhurst became Lord Treasurer in 1599 he seems to have attempted to reduce the multiple offices in the Exchequer to some order, and in this work, closely related to the preservation of the records in their several repositories, he employed Fanshawe as the officer most able to instruct him.²

It is apparent, I believe, from this account of the keepers of the records in the several record repositories in London and Westminster that, particularly in the later decades of the years being studied, a significant number of the record keepers were men deeply interested and active in the collection, preservation, interpretation or study of English historical documents. Their presence as keepers of the records of the realm could only indicate that improvements were taking place in the care of those records and that an understanding of the value of the muniments was abroad in the land.

The evidence offered by this account is substantiated by the several jurisdictional quarrels over the situs and custody of the records carried on with intensity during the period. Only when the records have become important does it begin to matter where they are and who has title to their custody. This is true

¹F. A. Inderwick, *op. cit.*, I, 346; see also, Calendar of State Papers, Domestic (1598-1601), p. 136. Apparently, his son Sir Henry was also a Remembrancer and an antiquarian in the reign of James. British Museum, MS Harleian 6143, fol. 13.

²Folger Shakespeare Library, Washington, MSS 168.3; 362.1.

even after full weight is given to the fees derived from that custody as a determinant in the new jealous oversight. The income to be had from the keeping of the records was not new. If there was greater income to be had, it was because the need and use of the records had increased. Although these jurisdictional disputes probably contributed little to the better care and ordering of the records at the time, they are nevertheless significant of a quickened consciousness, however misdirected, of the value of the public records after a period in which they lay unregarded in the several treasuries.

The controversies arose from the fact that, as has been noted, the Tower was not the place of origin of any of the records which were deposited there. In earlier days, however, it had come to be the ultimate repository for the more ancient records of whatever origin, transferred as the several other record treasuries became crowded with new accumulations at each succeeding term. The keepers of the records in the several treasuries maintained that their jurisdiction did not end when the documents were removed to the Tower and asserted their right to continued oversight of the transferred records. Because most of the records in the Tower were records of Chancery origin, the Master of the Rolls had successfully claimed that the Keeper of the Tower Records was his deputy and that the office was within the gift of the Master of the Rolls. On the other side, as the successive Keepers of the Tower Records came to attach greater significance to the rights and duties of their office, they maintained not only their right to crown appointment but their sole authority over the records in their charge, and demanded further that the usage of former times of regularly transferring the older records to the Tower be renewed, a practice which had been abandoned as the keepers of the several treasuries of record origin became more jealous of their prerogatives.

The chamberlains of the Exchequer, possibly at the time that space in the Abbey became available for a record treasury and certainly before the reign of Mary, were able to retrieve from the Tower part of the ancient Exchequer treasure which had been removed there.¹ Later, at some time between 1550 and 1554, there were strong representations made of negligence in the care

¹Cf. supra, p. 137.

of those records which still remained in the Tower.¹ That the representations were of Exchequer origin is indicated by the fact that when, as a result of these complaints, a commission was appointed to investigate the manner of keeping the records in the Tower, the commission was composed of Cecil, the Lord Treasurer, and the Earl of Shrewsbury, who had been associated with the Exchequer from as early as 1527. The date of this commission I take to be between 1558 and 1560. Stafford, writing to Cecil in 1564, says that

upon declaration of this matter unto you the queenes matie gave you and my lord of Shrewesbury and other, comyssyon to viewe, see, and understand how the bookes were conveyd away and to drawe instructions for the better pserving and order in keeping them hereafter.²

The commissioners ordered that there should be two keys appointed to the Tower record treasury, and that Lord Stafford as Chamberlain of the Exchequer should have one, making him virtually co-keeper; further, that Stafford should make an inventory of the records there so that he would be able to find any record, and presumably so that check might be made upon the Keeper.³ Stafford received the key, made the inventory as appointed, and placed a servant or deputy at the Tower to keep watch over the records and to make searches upon command. It was not long, however, before Stafford and his servant ran afoul of Bowyer, intent upon re-establishing the importance of the Tower treasury and the auton-

¹The terminal dates are fixed from the statement made by Stafford that the negligence was discovered while Philip Hoby was Master of the Ordinance in the Tower and Edward Hales was Keeper of the Records. Hoby's patent antedated Hales's of 1550. He surrendered his patent May 11, 1554. Calendar of Patent Rolls, Philip and Mary (1553-54), I, 108.

²MS Lansdowne cxiii.33, fol. 103b; State Papers, Domestic, Elizabeth, XXXIII.2b. Francis Talbot, 5th Earl of Shrewsbury, who is undoubtedly meant, died in September, 1560. From the form used by Stafford in speaking of the queen, I judge that the then reigning queen is referred to. The appointment of Cecil to the commission offers further confirmation that the commission was an act of Elizabeth. The only other evidence about the date of the commission comes from the later Exchequer petition in which it is stated that it was "in Quene maries tyme" that the complaint was made and the commission appointed, and that it was Stafford who made the complaint. But the document also reports that the negligence complained of was "in m^r Boyers tyme," and Bowyer's custody did not antedate 1559. MS Lansdowne cxvi.6, fol. 19b.

³MS Lansdowne cxiii.33, fol. 103b.

omy of his office. Stafford wrote:

I kept my servant Fytz in this towne at his coste and myne allwayes to be ready wth his key when any searche should be cōmaunded to be made / yet bowyer was never so gentle to geve my seraunte one peny for his paynes he having e^vy tyme y^t any searche is made for any pson a noble for opening of the dore besydes thadvantage for copyeng out of the Recordes, w^{ch} many tymes he caryeth home to his housse, and may do what he will wth them, if y^t my seraunte kept not a boke of comp-trollement how the recordes go out and by what warrant, and how they be brought in agayne.¹

Bowyer presently found conditions in his office intolerable. According to Stafford, he reclassified the records so that Stafford's inventory was useless, and in January, 1563/64, he inflicted a beating upon Lord Stafford's man and took his key from him.² Stafford wrote to Cecil recounting the circumstances under which he had been granted the key, listing his good acts done by means of the possession of it, and urging that it be restored to him

whiche though it hathe bene no vauntage to me nor myne yet thereby hathe growen an estymation in the world y^t her matie hathe consydered my good service, and thereby had me in trust and confidence, w^{ch} was great comfort to me and to my freyndes. And now to be displaced of y^t truste, and the charge to be cōmytted to them y^t never travaylled to do good in the Office, but onely to seeke their owne gayne & comodytie, and by subvertinge of these good ordres putt them in daunger of losse as they have bene afore tyme, Then may the world thinke that my service ys not so well consydered as I hoped it should have bene, nor that so good polycyes for the preservation of the Recordes be not so well devysed as I would wysse.³

However, Lord Stafford died within a few months, and apparently Bowyer was able to continue in sole charge of the Tower treasury. Later it was again proposed to Burghley that an Exchequer officer be given oversight of the Tower records for the protection of the Exchequer records remaining there, the instance of Lord Stafford's key being cited as a precedent.⁴ The Exchequer record keepers continued to feel that they had a stake in the Tower records. In 1592 among the King's Remembrancer's records there was kept a copy of each of the calendars which had been

¹Ibid., fol. 104a.

²State Papers, Domestic, Elizabeth, XXXIII.2a; a copy of this letter is in the British Museum, MS Stowe 543, fol. 60.

³MS Lansdowne cxiii.33, fol. 104b; State Papers, Domestic, Elizabeth, XXXIII.2b.

⁴MSS Lansdowne cxvi.6, fol. 19b; Harleian 94.3, fol. 40.

made of the records in the Tower,¹ and in 1604, as has already been noted, the Justices were at pains to point out the records of Westminster origin which remained in the Tower. Bowyer, however, had gained for his successors freedom from effective Exchequer interference.

Bowyer, having defended the Tower records from further removal to Westminster, upon his elevation to the keepership in 1567, took the offensive against the then Master of the Rolls, Sir William Cordell, reasserting the necessary conveyance by the Master of the Rolls to the Tower of all except the most recent records of the Chancery. In March, he wrote to Cecil giving an account of his extensive labors during his eight years of stewardship and proposing that the transfer of Chancery records be renewed, citing precedents from the reign of Edward III.² In April, he was supported in his suit by the Marquis of Winchester in a letter to Cecil,³ and at about the same time Bowyer wrote again enclosing more precedents, this time as ancient as the reign of Henry III, and alleging the "Causes for whiche the auncient Recordes in Chauncery ought to be laied in the Tower." The ancient usage,

being truly conceyved hath given occasion at this tyme to require that some parte of the oldest of the said Recordes remayninge nowe at the Rolles being above the nombre of one hundred yeares might accordinge to theire auncyent order be brought into the Tower. From which place so many and so olde Recordes of Chauncery as nowe remayne in the Rolles have not bene so long with helde in any former tyme since the Conquest. And for prooffe therof it wilbe made manifest by Recordes that about the Twentieth yeare of Kinge Henry the viiith there were remayninge at the Rolles no Recordes of more auncyent tyme then those of the tyme of Kinge Henry the viiith. Except those fewe yeares of Kinge Richard the Thirde. All which together were lesse then the nombre of Fyftie yeares. And therefore not unreasonable that the like be required at this daye. Consideringe that the Recordes in the Tower are no worse kepte or cared for nowe then they were in former tymes.

He thereupon proceeded to answer "suche obiections as have or maie be made by those that mislike the same." These objections were that access to the records in the Tower was not easy because of the inconvenient location of the Tower and that

¹The Repertorie of Records, pp. 136-144.

²MS Lansdowne cxiii.34, fols. 106a-110a.

³State Papers, Domestic, Elizabeth, XLII.43.

the fees for search in the Tower record office were high. The objections disposed of, he renewed his petition

Desyringe that all other respectes sett asyde the preservation and safe keepinge of the said Recordes and likliest meanes to attayne the same maie be preferred before the comoditie of all other men. For whiche purpose the late disordered and seditious tumulte begon at Lincolns Inne not farre from the Rolles will serve to comende the Tower in this behalfe, and likewise to approve the pollicye of former tymes in placinge the Recordes there rather then in any other place.¹

In May, having ordered that rooms in the Tower be prepared to receive the records and having been informed that the necessary preparations had been made, the Queen issued a warrant to Cordell to deliver to Bowyer all the rolls of Chancery of whatever kind of the reigns of Richard III, Henry VII, Henry VIII, and Edward VI.² For some reason, however, execution of the warrant was stayed, and no records were removed. In June Bowyer was again writing to Cecil of the objections of the Master of the Rolls and citing more precedents, but nothing further was done.³

Agitation seems to have continued, however, for as late as 1621, Sir Julius Caesar, then Master of the Rolls, felt called upon to write a memorandum of reasons why the Chancery records should continue in the Rolls and not be transferred to the Tower. His arguments were that the Rolls Chapel was as free from the danger of fire as the Tower, that it was situated convenient to Whitehall and Westminster and the Inns of Court while the Tower was a great distance away from any of these. Furthermore,

that the gates of the Tower of London are at certayne howers shutt and pmytt noe entraunce for anye, wch maye begett greate delays and hinderance to his maties affayres.

He maintained too that in the Rolls there were numerous aids for the location of records not to be found in the Tower, that the charges for search in the Tower were far in excess of the charges made at the Rolls, and that

¹MS Lansdowne cxiii.35, fols. 111a-112b.

²Calendar of State Papers, Domestic (1547-1580), p. 292 (Elizabeth, XLII.74). The document is quoted and summarized in Sir Joseph Ayloffe, Calendars of the Ancient Charters, &c. and of the Welch and Scottish Rolls, now remaining in the Tower of London (London, 1772), p. xxviii.

³Calendar of State Papers, Domestic (1547-1580), p. 293 (Elizabeth, XLIII.4).

besydes whereas nowe theye can pcure theire counsellor for lytle or noe fee at al to stepp into the Rolles as they passe by to veiwe and see anye record there and to direct them, they shall hardly get them to the tower of London under 40s. by reason of the greate distaunce of the place and the losse of tyme wch in the terme tyme is to men of their pffession very precious.¹

By that date, however, the danger that the Chancery records might be removed to the Tower without the sanction and approval of the Master of the Rolls, would not seem to have been great. Agitation for their removal would probably be carried on only during a period when the Keeper of the Tower Records was independent of and not deputed by the Master of the Rolls. That condition had come to an end in 1603. The successive removals of Chancery Records to the Tower which had been discontinued in 1529 had been allowed and possibly initiated by the then Masters of the Rolls because of the fact that before that date all the Keepers of the Records in the Tower had been appointed by, or upon the procurement of the Master of the Rolls. Agreements between the two offices on fees would be natural. But Henry VIII's administrative reforms touched the Tower and Rolls, the Keeper of the Tower Records held a crown patent, and the Master of the Rolls refused to convey the records according to older custom.

The Judicial Commission appointed by the Privy Council in 1604 to review the whole dispute and determine the several rights involved was composed of the Lord Chief Justice, Mr. Justice Gawdy, and the Lord Chief Justice of the Common Pleas, Mr. Justice Walmesley. They found after repeated hearings concerning the custody of the records in the Tower

that the Records of the Chancery or Appertaining to the Chancery have been alwayes there under the custody or charge of the Mr of the Rolles for the tyme being or of some authorized by him. And the Rest of the said Records, have alsoe been there in the charge of some Assigned by the King, And for 60^{tie} yeares past and upwards they that had the custody of the Rest of the Records in that place, for the King, have been deputed by the Master of the Rolles for the tyme being, to have the Custody of the Recordes Appertainyng to the Chancery.²

We are to understand from this, I believe, that the earlier practice of allowing the officer named by the Master of the Rolls as

¹MS Lansdowne clxxiv.12, fols. 49-50.

²MS Stowe 415.39, fol. 191a and b.

the custodian of the Chancery rolls in the Tower to have also the custody of the other records there, subject to the afore mentioned visitations of Exchequer officers, was, by 1544, changed. From that date the person named by the Crown to care for the other records was in theory acquiesced to as the keeper of the Chancery records there by the Master of the Rolls. Actually the office became for a time entirely independent of the Rolls.

When Eaton's patent to the office was granted in 1538 no mention was made of the rights of the Master of the Rolls, although the seventeenth century Rolls pleader may be right in saying that Eaton owed his appointment to the procurement of the then Master. Nevertheless, in 1544, a new patent was granted him but naming also one Serveing, or Snigg, who appears to have been a servant of the Master of the Rolls. However, this last attempt by the Master of the Rolls failed, for the patent seems to have been inoperative. When in 1550 Eaton came to surrender his patent, it was the original patent of 1538. No further mention was made of Snigg nor of his patent.¹

The successive patents to Hales and Bowyer were without reference to the Master of the Rolls,² and it is clear from Bowyer's several administrative activities and statements that he regarded his office as in no way beholden to the Master of the Rolls.³ However, upon the death of Bowyer, under whom the office of Keeper of the Records in the Tower acquired its largest measure of independence and authority, the patent to Heneage recognized the rights and interest of Sir William Cordell.⁴ The trend to-

¹The author of MS Stowe 415.39, which contains the successive patents, the king's warrant to the council, the judicial commission's report, and the findings of the council, was plainly a Rolls partisan. As a matter of fact, all of Stowe 415 is a Chancery collection. He maintains that, because the 1544 patent was ignored and the 1550 patent was issued upon the surrender of a patent which had already been surrendered, all the subsequent patents were void for want of consideration. He assumes that Eaton was able to manage the deceit because his successor was Edward Hales "of Name and Blood to the then Mr of the Rolles." This argument does not seem sound, however, since Sir Christopher Hales had not been Master of the Rolls since 1543.

²MS Stowe 415.39, fol. 188a and b.

³MS Lansdowne cxlii.34; State Papers, Domestic, Elizabeth, XLIII.4.

⁴MS Stowe 415.39, fol. 189a and b.

wards the subordination of the office once again to that of the Master of the Rolls is revealed further in the appointment of Lambard, who had previously been deputy at the Rolls, to the office upon the death of Heneage, without patent. Nevertheless, upon Lambard's death Wilbraham had a patent without reference to the rights of the Master of the Rolls.¹ This may well have resulted from the fact that during those years and until the end of Elizabeth's reign the office of Master of the Rolls was unfilled.²

Upon the accession of James and immediately upon the appointment of Bruce as Master, the patent of Wilbraham was cancelled by the King on Bruce's suit. But Proby, who had succeeded Lambard and had continued in effective control even after the appointment of Wilbraham, claimed an interest in the office when Bruce sought to exercise the newly re-won rights of the Master of the Rolls. For a final settlement of the dispute the King sent a warrant to the Council on the seventeenth of August, 1604:

. . . . Whereas we are Informed by Edward Lord Bruce Mr of our Rolles of our Court of Chancery That he being M^r of our said Rolles by Letters Patents under our great Seale of England, S^r Roger Wilbraham Knt one of the Masters of Requests pretended Interest to the keeping of certaine of the same Records Remaineing in our Tower of London by colour of Lres Patents made to him by the Late Queene Elizabeth and that upon the Examinacon of the Vallidity of these Lres Patents before our councill it appeared plainely the Right of Keeping y^e said Records belonged to our Said M^r of our Rolles Whereupon the said Lres Patents made to the said S^r Roger Wilbraham were cancelled and made void, And he further Informeth that hee suffering one Peter Probye to continue the Keeping of the same Records, ffor a tyme, the said Proby now pretendeth Right thereunto, saying he was sworne into that place, by S^r John Peyton knight late Leiuetennent of the Said Tower, Wee being therefore Willinge that this matter may be heard to the end our said Subjects may have that which in Iustice and Right belongs unto them, doe hereby require you the Lords of our Councell or any Six of you, calling to you Such of our Iudges as you shall think fitt to assist you herein to heare and Examine the same Cause on both Parties, and as well to conceive and order therein under your hands to whom the R^t of the same place belongeth, as to sette him who hath R^t thereunto in quiet possession thereof. Soe as wee be noe further troubled therewth. And these our Lres shall be your sufficient Warrant in that behalfe.³

The Judicial Commission appointed in pursuance of this

¹Ibid., fol. 190a.

²Cf., *supra*, p. 141.

³MS Stowe 415.39, fols. 190b, 191a; State Papers, Domestic, James I, IX. 14.

warrant found in favor of the Master of the Rolls but recommended compensation for Proby because of his payments to the former keeper for calendars of the records and other instruments necessary in the search of records. The Council therefore ordered that Proby should deliver the custody of the Chancery records in the Tower to the Master of the Rolls and that upon delivery of the calendars and other aids to search the Master of the Rolls should pay him £250. But the Council, while it restored to the Master of the Rolls his right to the care of the Chancery documents there, was careful to reserve to the Crown the appointment of the keeper of all of the other records in the Tower, "That have been removed thither from the Kings Bench, the Cōmon Pleas, the Exchequer and other Courts of his Matye." Therefore an order was entered:

That the Custody of the aforesaid Recordes, not appertaining to the Chancery be not otherwise disposed of then by his Matyes order and warrant And if his Matye shalbe now pleased for the more conveniency to comitt unto the Master of the Rolles or his deputy the Loynt Custody of the aforesaid Records togeather wth those of the Chancery It will be Expedient that the M^r of the Rolles doe make suite to his Matye to obtaine a Grant and Patent of the keepeing of the said Records which are not of the Chancery either to himselfe or such as his Lordsp shall Appoynt to have the charge of the same for his or their Better Warrant in that behalfe.¹

Proby was ordered to retain jurisdiction over those records until such grant be obtained by Bruce. The King, however, was of no mind to appoint a separate keeper for the non-Chancery records and confirmed the appointment which had been made by the Master of the Rolls of Bowyer and Elsyng as keepers of the records of Chancery and all other rolls in the Tower.² Once again, however, the Exchequer record keepers acquired certain rights in the oversight of the records there as is indicated by Arthur Agard's extensive work in the Tower. The situation, then, at the close of the period was much as it had been at its opening, except that the removal of records as between the depositories, which had been carried on in the years before the study begins, was not resumed.

There is one further incident in the jurisdictional his-

¹MS Stowe 415.39, fol. 191b.

²Calendar of State Papers, Domestic (1603-10), p. 178 (James I, X, Docquet).

tory of the previously established record offices which should be chronicled. In 1617 there was an abortive attempt made to establish an office to be known as the General Remembrancer of Matters of Record. Letters Patent for the office were actually issued to John Ferroure, or Fermour, John Friend, and Henry Miles, or Milles, but Fermour and Friend dying and Miles being long absent, nothing was done until Miles, Captain John Mason, and John White in 1629 petitioned for a renewal of the grant.¹

Although the title promises much, and although it is said that the office was established "for the ease of the King's subjects in their searches," the office, had it functioned, would have been of only the slightest interest to the historical student of the time. I take this position not because the office was to have concerned itself only with the registration of all judgments, and so forth, upon land for the purpose of securing easier verification of clear title, for that would have involved ordering and calendaring a large number of records, but rather because, as has not previously been pointed out, the new officer was to be certified by the several record officers with copies or notice only of those judgments, deeds, and so forth, "as thereafter should be had or made in the courts of chancery, king's bench, common pleas, and exchequer" [*italics mine*].² There is certainly no indication in this that by 1625 a plan for a single record office of the realm had been broached, nor that the idea of such an office had been entertained.

While these various jurisdictional disputes, then, seem finally to have come to little in the development of the care of the public records, I have said that they did mirror a quickened consciousness of the value of the records and a desire, however misdirected, to improve the conditions under which they were kept. That the desire was widespread and that important improvements were made in the securing, preserving, and ordering of the records within the several depositories will be plain from a more or less chronological survey of abuses, remedial proposals, and ac-

¹Calendar of State Papers, Domestic (1629-31), p. 37 (Charles I, CXLVIII.57). The patent is printed in Ayloffe, *op. cit.*, pp. xxxi-xxxiii. There is noted in F. M. Powicke, "Sir Henry Spelman and the 'Concilia,'" *Proceedings of the British Academy*, XVI (1930), 379, a pamphlet, printed by G. Eld "For the Remembrancers Generall," 1617, in the Bodleian. This I have not seen.

²Ayloffe, *op. cit.*, p. xxxii.

complishments.

During the reign of Henry VIII the Westminster treasuries were those in which expansion and improvements took place. As was pointed out above, the large treasury in the former chapter house of the abbey was converted to the housing of records at or just after the dissolution, providing greatly needed space. This was not the only expansion, moreover. In 1536 when Anthony Denny was made keeper of the new park near Westminster, of York Place, and of the lands and buildings lately acquired from the Abbot of Westminster, he was also given a reversionary grant

of the tenements, &c. in the palace of Westminster, the houses and mansions called Paradyse and Hell in Westminster Hall, the house or mansion called Purgatory in the same Hall and the house called Potans House under the Exchequer.,

all of which were then held by Will Butteler, serjeant at arms.¹ Sometime between that date and the end of the reign these and four other rooms in or adjacent to Westminster Hall were given over to the storage of Exchequer records. For when Mary gave a patent to Arthur Sturton to be keeper of the palace and of the various tenements including "Hell," "Paradice," "Purgatory" and "Potans House," which were stated to be underneath the Hall and the Exchequer, she granted to Sturton an annuity of £12 13s. 8d. in satisfaction of the loss of income to be suffered by him

for that Henry VIII took into his hands the said house called "Paradise" of the yearly value of £4, the house called "Hell" of the yearly value of 40s., the house called "Purgatory" of the yearly value of 26s. 8d., and 5 other houses adjacent to the Exchequer within the said palace to the yearly value of £5 6s. 8d., which houses are used for the preservation of the records and rolls of the Court of Exchequer.²

There were improvements made too in the ordering of the records in some parts of the Westminster treasuries. In 1534, Sir Richard Lister, then Chief Baron of the Exchequer, established more definite jurisdictional demarcations in the two Remembrancers' offices, and subsequently some of the records of the Lord Treasurer's Remembrancer were removed into the office of the King's

¹Letters and Papers, Henry VIII, X.226, items 33-35.

²Calendar of Patent Rolls, Philip and Mary (1554-55), II, 181-182. The terms "tenement," "mansion," "house," seem clearly to be used here where we would use "room" or "chamber." NED in each case lists contemporaneous uses with that meaning.

Remembrancer for their better classification.¹ An aroused interest in the care of records had developed by the end of the reign. In Edward's first parliament a bill was read in Commons for the erection in every shire of a treasure house for the keeping of records.²

Improvements at the Tower apparently did not antedate the accession of Elizabeth; in fact, nothing of consequence was done in any of the repositories between the reigns of Henry and Elizabeth. Bowyer, writing in 1567 in answer to the charge that the fees at the Tower were high, said that it was strange

that an office of so greate Fees should have bene so longe neglected as the said office of Recordes within the Tower hath bene knownen to be for many yeares before her Maties Reigne.³

He is borne out by Lord Stafford's account of the shocking conditions there during the reign of Edward:

They have bene so evill loked unto y^t they have bene lett caryed out of that house and brought into another house where no man alyve was pryvye y^t they were, till Mr Hobbey searching for a place to laye gunnepowder in, found the said house and gave Hales warneinge y^t kept the recordes to fetch some of them awaye. Wherof no smalle number were eaten wth the lyme of the walles & conveyd that it is moch to be lamented to understand it.⁴

Yet not until the first or second year of Elizabeth's reign was a commission appointed to inquire into the long standing ill usage.⁵

The recommendations of the commission have been discussed above, and it was probably in consequence of their investigation that a deputy to Hales was appointed in 1559 charged with the putting of the records in order, inventorying them, and seeing to their care.⁶ It is an indication of the determination of Cecil that a better order should prevail in the keeping of the records that he appointed to the task, William Bowyer, a man of the

¹Direction for Search of Records, pp. 22, 26.

²Journal of the House of Commons, I, 1.

³MS Lansdowne cxiii.35, fol. 112a.

⁴MS Lansdowne cxiii.33, fol. 103b.

⁵I have previously adduced reasons for thus dating the Hoby-Hales incident and the appointment of the commission. Cf., supra, p. 152, nn. 1 and 2.

⁶MS Lansdowne cxiii.34, fols. 106a-108a.

strongest historical tastes who had already devoted himself to the preservation of ancient manuscripts. The new concern for the records is shown too by the grant of £50 to the Master of the Rolls in 1558 for the making of presses in which to keep the records at the Rolls.¹

There was much to be remedied, however, for the earlier keepers had taken no inventories of "what they found nor what they lefte," had been so negligent that for the older periods there were only "fragmentes and peeces" of rolles, had taken records out of the Tower to their homes, and had often failed to return them.² Stafford's and Bowyer's inventories and rearrangements did accomplish much, and it was with pardonable pride that Bowyer reported after eight years of work there that since the accession of Elizabeth

the onely industrie and longe laboure of suche as have had the place by sortinge and kallenderinge the said Recordes makinge the serche there more easye and readie then otherwise would or was wont to be, hath by that meanes padventure drawn more resorte thither.³

Cooperation from the crown continued, and in anticipation of the transfer of records from the Rolls in 1567 new rooms were prepared and presses provided,⁴ which doubtless were put to use even though the expected records did not come.

The records in the other two record centers were not in so precarious a state as those at the Tower had been before the improvements were made. Yet until after the first decade of Elizabeth's reign, the other depositories received no repairs or improvements comparable to those at the Tower. Although the Rolls Chapel itself was

builded with lyme and stone wherein never come eyther fyer or candle and as defensyve agaynst fyer as any part of the Tower of London,⁵

the discontinuance of removal of records to the Tower had probably resulted in want of space in the Chapel and an overflow into surrounding wooden buildings. In the 1567 warrant it was stated that

¹State Papers, Domestic, Elizabeth, I. Docquets.

²MS Lansdowne cx111.33, fols. 103a-104b.

³MS Lansdowne cx111.35, fol. 112a.

⁴State Papers, Domestic, Elizabeth, XLII.74.

⁵MS Lansdowne clxxiv.12, fol. 49.

the order of removal was issued because the Queen had determined that it was not meet that the records of her chancery, which were accounted as a principal member of the treasure belonging to herself, and to her crown and realm, should remain in private houses and places, for doubt of such danger or spoil as theretofore had happened to the like records in the time of king Richard the Second and king Henry the sixth.¹

No change was effected in these conditions, however, for when fire in 1622 swept the house in Chancery Lane which served as the Six Clerks' office many records stored there were destroyed.²

Extensive precautions had been taken at Westminster to prevent the loss of records. No record was allowed to be taken out of the repository, even for the Lord Treasurer,³ and, throughout our period of study, three of the treasuries were kept locked under three severall Keyes, kept by three sundry Officers, distinct the one key from the other, And upon each doore three lockes.⁴

The fourth or Royal treasury in the Abbey was provided not only with two double doors but with six keys, "belonging to as many severall Officers of the Exchequer."⁵ Nevertheless, Lord Stafford reported in 1564 that despite this care

yet ther ys lacking in that threasure above a thousand bokes whiche I am able duely to prove.⁶

In 1568 the authorities turned their attention to the Exchequer treasuries as well as to the Tower and effected physical improvements at both places. The Marquis of Winchester wrote to Cecil on the nineteenth of July in that year that he had been informed by the Lord Chancellor that

when you and he, and the L. chefe Barron, were last wt the Quenes grace it was rembrid to her matie, the great need of the repare of theschequire, and of the great Tower in the Tower of London, whereof was and is great lacke ffor the preservation of her graces Records and armor w^c taketh hurte daylie, and increaseth more chardge than wolde need, yf the

¹State Papers, Domestic, Elizabeth, XLII.74; printed in Ayloffe, op. cit., p. xxviii.

²Calendar of State Papers, Domestic (1619-23), p. 333 (James I, CXXVII.11).

³MS Lansdowne cxlvi.33, fol. 104a.

⁴The Repertorie of Records, p. 14.

⁵Direction for Search of Records, p. 50.

⁶MS Lansdowne cxlvi.33, fol. 103a. He is referring to all four treasuries.

reparacion were made, wherin her grace gave you good heering, and sayed she wolde gladlie they were reparid, yf tyme and Terasure were reddie for it, but syens it was not for other greater affaires to be don, she willid you to warne me to consider of it, and of the pvicions that must be made for it, that upon knowledge thereof some order may be taken for the forwardnes therof.

He thereupon estimated the cost of both works and found that timber from six hundred trees and six hundred dozen bricks besides tiles, laths, nails, lime, and so forth, would be necessary. He proposed that the work be done on credit, to be paid for out of future taxes on green wax, and that the warrant be issued at once because

the vi^c Okes wold be taken in the fforrest of St Lenardes and in the parke belonging to the same and that warraunt most come in tyme that some thing may be don when the wether is fayre.¹

The work was then or soon after commissioned in accordance with Winchester's recommendations. The repairs were completed by June, 1569, when a warrant for payment of £200 was issued to Lewis Stockett, surveyor of works, for "works" at the Exchequer and at the record office and armoury in the Tower. Payments were made upon the warrant in two installments in January and February, 1570.²

While no such physical reparations were undertaken at the Rolls Chapel, the term of office of Sir William Cordell seems to have been productive of improvements in the care of the records there.³ In December, 1574, he issued "Ordinances for the well orderinge of her highnes recordes remaining within the Rolles And the good guidinge of such Clerkes as shall have accesse to the same." Although most of the ordinances had to do with the collection and reporting of fees, they did contain injunctions that no record should be removed from the Chapel nor from the file in which it remained without express command from the Master of the Rolls, and that

¹State Papers, Domestic, Elizabeth, XLVII.17.

²Calendar of State Papers, Domestic (Addenda 1566-1579), p. 311.

³Lambard in dedicating the *Archaionomia* to Cordell wrote that he did so because of Cordell's great learning in the law, in order to demonstrate his goodwill towards him, and "Postremo, quò tu qui Serenissime reginae Elizabethae Tabulario praesis, veteres has clarissimorum Regum tabulas tuo foelicissimo sapientissimoq̃ patrociniò tuearis." (Fol. B₁ recto.)

the Clerke of Enrollmentes for the tyme beinge shall from tyme to tyme viewe & searche whether the Recordes remayninge wthin the said Chappell be well used or noe who shall from tyme to tyme make presentmt to the Mr of the Rolles for the tyme beinge of all defaulte disorders & abuses there cōmitted, to thend that the Mr of the Rolles maye take order to see them in all pointes duellie reformed.¹

There were some improvements in the ordering of the records in the office of the clerk of the Common Pleas in 1582,² but far greater interest attaches to the proposals made at some time before the end of the century for repairing and enlarging the Westminster treasuries and for the better ordering of their records.³ The petitioner, or petitioners, asked first that the records of treaties and leagues, the records of subscription and supremacy, and the various papers of state which were still kept in the second treasury in the palace, "beinge a place subiecte to the daunger of fyre," might be

removed into tholde Theasurye wthin the Abbaye of Westm., a place alwaies designed for the custodie of the same Leagues, & vaulted wth stone, wherby y^t semeth (yf it so please God) that theye be wthout daunger of fire. And where there is

¹MS Lansdowne clxxiv.27, fols. 224-225.

²Direction for Search of Records, p. 66.

³MS Lansdowne cxvi.6, fol. 19; a draught, MS Harleian 94.3, fols. 39-40. The date of this petition and its authorship, I take to be uncertain. At the top of the Lansdowne copy Strype wrote that the date of the petition was 1573. He may well have had information which allowed him to fix the date, but I have not been able to find it. The only clues which I can find in the document itself concerning the date, beyond those which fix it as during the reign of Elizabeth, would seem to me to point to a date after that which Strype gives. It is said in the document that "nowe latelie in Quene maries tyme, the olde Lorde Stafforde cō-playned unto the Counsell that in Mr Boyers tyme certeyne of the same Recordes in the Tower, weere imbecelled." This gives me the impression that it was written not "in Mr Boyers tyme." Bowyer's active control ended by 1580, and he died in 1581. There are, further, no indications of authorship in the two copies, nor does Strype assign any. Hall said that the petition came from the great lawyers of the school of Dyer (*op. cit.*, p. 25). There is no citation and I have not been able to confirm the statement. Agard would seem to me to be the much more likely author. When he became deputy chamberlain he carried out several of the proposals made in the petition; but more particularly, the draught of the petition, filled with corrections, deletions, etc. is item 3 of MS Harleian 94 which is entirely a volume of Agard's collections, not all original, it is true. The later date would increase the likelihood of the Agard authorship, although it is said that his connection with the Exchequer records began in 1570.

rome enoughe for them in chestes & Presses that be nowe emptye.

It was next proposed that the fines, writs, and assizes, the records of the King's Bench and the Common Pleas, which had not already been transferred from the record offices of those several courts be brought into "the new Theasaurye wthin the Abbaye of westm" where the older records of those courts were already "faire arrayed up in chestes for that purpose, [and] where there is rome enoughe in chestes pvyded for the reste." The records would there be in greater safety because this treasury too was vaulted with stone. However, repairs were necessary here:

It wanteth repacyons bothe in glasse & leade. It maye please yo^r L. to have spedie regarde thereunto.

Furthermore, there was need that attention be given to the condition of the records themselves. Particularly, it was necessary that inventories and repertories be made of the records which concerned men's land and the records which concerned foreign affairs. And a great reformation was needed in the ordering of the records quo warranto and the records of the forests which were in the first treasury in the palace, being

psentlie put all up together into Bagges confusedlie, wherby, when a searche is made amongeste them, it is an easye thinge for a straunger fyndinge a Role or leef inconvenient & agaynste him, to conveye yt awaye. (As yt semethe the lyke hathe bene donne) w^{ch} can not be missed because there is no certen note howe manye Roles there be &c.

And furdere more the often tossing, ruffling, searching, and lapping up of the same Roles, hathe in effecte so obfusked & worne manye of them as they can not be well red. For avoydinge of w^{ch} Inconvenyence, If yt might please yo^r L. to appoynte one to puse the same Roles, & to arraye them into Shires & certen forrestes, & the same to put into bagges severallye, wrytinge thereon the Countye, the forreste, & nombir of Roles, & howe manye leaves every Role conteyneth. This (wee saye) would be not onelye a greate psyvacyon of the same Recordes, when no moe roles shoulde be opened than concerned the forreste w^{ch} shoulde be searched. But also would be a redye helpe to fynde anye thinge upon Comaunde-mēte of the Courte of the Eschequiere, or otherwyse upon ocacyon.¹

The final proposals dealt with the oversight and recovery of Exchequer records no longer at Westminster. The matter of the records in the Tower has already been discussed. There was, in

¹In the draught it was also proposed that these records be transferred to the new treasury in the Abbey, but that section was struck out.

addition, an important set of records, the fine rolls of the court of Common Pleas, which had come to be kept in the private custody of the chirographer, or engrosser of fines, at Bridewell Church, and

there kepte secreatlīe, where in righte the same Fynes ought to be in the keapinge of the Lorde Theasauror and the Chambleynes of the schequire. In wch respecte y^t might please yo^r L. to calle the said Cirographer before you, & to knowe by what righte he keapethe the same, and thereapon to geve ordre for their removinge, if it so shall seme convenient & Lawfull.

The disposition made of all these proposals we are not able to determine, but a number of them were accomplished by 1610, along with other improvements in the Westminster Treasuries. Between 1596 and 1603, under the influence of Thomas Sackville, then Lord Treasurer and "marvelously given" to the study of antiquities,¹ the courts of Augmentations and Revenues and of the First Fruits and Tenths were united with the court of the Exchequer and their records thus brought within the jurisdiction of the Chamberlains.² In 1602 Agard re-ordered and "for their better preservation placed into sundry little bags," various of the King's Bench and Common Pleas rolls of the reign of Henry III remaining in the Chapter House of the Abbey,³ and by 1610 had completed his great task upon all of the leagues and rolls of foreign affairs, as had been suggested in the petition. Addressing Sir Julius Caesar, he reported his work, a great boon to historical students:

Beholde then I beseech yo^r honor this discovery of the ancient records of the realme placed in the fower Treasuries of the Court of Receipt and the custodie and chardg of the Lord Tre^r & two Chamberlaines w^{ch} like Theasaurū Absconditū a long tyme have bene verie confusedlie mingled and thrust together Rudis indigestaq moles especially Arcana Imperii the misteries of state as Treaties and Leagues betwixt our form^r princes and forraine nations w^{ch} I have reduced into this frame followinge.

First I have gathered out of sondry corners of the theasuries divers leagues misplaced & lieng unknowen, and have distinguished every country wth whome o^r princes and nation have had comerce and Traffique one from an other. Also I have indorsed upon every treatie the chefe effect thereof. In what kings tyme, wth the yere of his raigne, the day of

¹MS Harleian 168, fol. 1.

²Folger Library, Washington, MSS 168.3, 362.1.

³The Repertorie of Records, p. 34.

the moneth, & the yere of o^r Lorde. I have tyed up the same instruments & put them into boxes. And upon the same boxes (likewise capped up) Indorsed the nation and the yere Furthermore I have put every severall nation into great buckram bagges, into some moe & others lesse according to the quantitie therof and sett at the mouth of the bagg a labell of parchment mencioninge the nation therein and yeres , wth the certaine number of the Instruments therein. Wch done I have conveyed these bagges & boxes into a Treasury in Thabbey of Westminstir vawlted designed from all tymes heretofore for that purpose And have placed them into chests And marked the contents thereof wth text letters for the readers findeinge.

.
I must acknowledge the bountifull hands of Mr Robert Cotton who assisted me in distinguishing the nations and supplieing manie originalls of treaties w^{ch} heretofore have bene careleslie lost out of the kings Treasuries. Neither may I passe over without thanckfull acknowledgment of the ready will and affection of Mr John Bingley keeper of my lord Treas keys ever shewed me in furtherance of this my labour.¹

Agard's tribute to Cotton for bringing in to the Treasury many treaties formerly taken out of the public records is of the greatest interest. I know of no other reference made to Cotton concerning his willing surrender to a public record office of public documents from the collection he had formed at the expense of the public repositories. Yet it bears out in every respect what I have said previously concerning many of the manuscript defalcations of the time. So long as the treaties were in the condition Agard describes, Cotton retained the records of that class which, he had borrowed or appropriated. Upon Agard's systematic labors being undertaken and upon evidence that they would thereafter be looked to with care, Cotton brought his store in. From this we are able to secure a different picture of the ravenous Cotton snatching records for his collection by whatever means were available--which, of course, he did where they were so carelessly looked to or were so unavailable for use that depredations became not only possible but justified to him. Actually Cotton's library was another record office, better ordered than most of the public ones. To it law officers, government secretaries repaired, and from it they borrowed state documents. Cotton in his writings made repeated reference to public records in his possession. These circumstances are not strange if we understand that Cotton's actions were of a sort not recognized as reprehensible in his day.

¹MS Lansdowne cxxxvii, fols. 1a-2b.

Although he did separate documents from their situs, he did so as a public trustee, self-appointed, to be sure, and for the purpose of making the records both more secure and more accessible. Only when so zealous an officer as Sir Thomas Wilson appeared at the close of the years of our study was there questioning or challenging of the propriety of Cotton's acts, and in Wilson's protests there were other than patriotic motives involved. Agard's continued tributes to Cotton, his aid to Cotton in the collection of manuscripts, his reputation as Cotton's man, and at the same time his great services in improving the state of the public records, make us not sure that Wilson was justified or more than personally jealous in writing Ambrose Randolph, upon the death of Agard, to apply for Agard's place because it would be dangerous to the state should Cotton succeed in putting in a person devoted to him.¹ It appears that those most concerned with the preservation of the public records were all men who were devoted to Cotton.

The excellent work of Agard at the Exchequer was paralleled at the same time by reforms and improvements instituted by Lambard in his four productive years at the Rolls and the Tower. While Lambard was at the Rolls a number of records which had been in the private possession of one Watson, clerk of the Great Seal, were recovered and brought into the Chapel.² New orders were issued for the sake of those who afterwards would have cause to use the rolls by Sir Thomas Egerton in 1599, while Lambard was in active charge, for the rectification of abuses which had set in among the clerks in the making of the rolls of Chancery. The orders were for the use only of uncorrupt parchment, well-made ink and strongest thread; that the sheets should all be cut according to the size anciently used, that due margins be observed and the sheets so pricked that there should always be ninety lines on each press. It was further ordered that only those who were able to write a good Chancery hand should be allowed to make enrollments, that no erasures nor interlineations be permitted, that the margent title of each part be apt and proper to the content of the matter within, and that

¹Calendar of State Papers, Domestic (1611-18), p. 305 (James I, LXXXI.69). For what seems to me a just estimate of Wilson's character from his letters and reports, see Hubert Hall, op. cit., pp. 32 ff.

²Direction for Search of Records, p. 4.

the nature and soart of the roll be written and endorsed not only upon each part of the Roll But also upon each Presse or peise of the same part with the years of the reign to avoid often turning and thereby much tearing and wearing of the Roll.

In order to reward and encourage the clerks in these usages their allowance for each press enrolled was increased from 10d. to 12d.¹ While he was at the Tower Lambard put most of the records there into good order and calendared them.

Upon the settlement in 1604 of the long standing dispute between the keepers at the Rolls and Tower, there was a proposal advanced about 1606 for the better preservation of the records in both places and for their better ordering, particularly those records which concerned land. The work was to be done under the direction of the Master of the Rolls and was to include the bringing in of records which had been taken out of the Rolls and the Tower and the repair of some of the older Tower records.² This last was a need which was again recognized by Powell:

It were to be wished, that some course might be taken in time, for the repaying of those Records which are worne out with their Antiquitie, before it be too late, and past remedie: It is the generall Cause, therefore, would have the helpe of the generall Purse in that behalfe.³

The work of Lambard and Agard was attended by what was apparently a general reawakening to the value of records. Thus in 1601, and from that date to 1610, the municipal authorities began to make strenuous and often successful efforts to regain for the Guildhall muniments, ancient records which had been making their way into private collections during the period of the formation of private libraries.⁴ At about the same time in Parliament there was extensive agitation for a separate office for parliamentary records.

In 1604 a motion was made in the Commons for the building and preparing of a special room wherein the Registers, Records, and Papers of the House might be kept and where the Clerk of the

¹MS Stowe 415.13, fols. 30a-31a.

²MS Cotton Vespasian C xiv.211, fol. 215.

³Direction for Search of Records, p. 19.

⁴C. L. Kingsford (ed.), A Survey of London by John Stow (Oxford, 1908), I, xxiii, xxxii; Edward Edwards, Lives of the Founders of the British Museum (London, 1870), I, 59.

House and his servants might have their office for the service of the House. It was determined that the Lord Treasurer should be moved in this, and a warrant was prepared:

Whereas it is thought fit, and so ordered, by the Commons House of Parliament, that all Acts, Resolutions, and Judgments of the House, which are there entered and registered by their common Servant, the Clerk, should be written and ingrossed in one fair Register Book, and that to be kept by the Clerk, for the Use and Direction of the said House; as also, that all Bills, whether passed or rejected, Papers, Notes, and other Entries and Proceedings of the House, be preserved and kept in safety: It is required on the Behalf of the said House, that a Room, or Place, be provided near at Hand, with convenient Presses and Shelves, for the disposing and preserving of the said Register, Papers, and Entries; and for the Clerk and his Servants to attend upon all Occasions, for the service of the said House: And this to be performed before the next Session of this present Parliament.

Ed. Phelipps, Speaker.

This warrant the Speaker addressed to Sir David Cunningham, Surveyor of Works, with a letter requesting that "the Room, or void Space, directly under the Queen's Council Chamber" or some other room nearby and of about equal size be enclosed, furnished and fit for this purpose.¹

Again in 1614 the Commons were moved by Sir Edwin Sandys that the Committee on Privileges consider a safe course for the care of the records of the House and determine upon a fitting place in which to keep them.² Seven years later the Lords directed that all its records be entered and enrolled, and that its Acts, Judgments, Standing Orders, and Journal be kept in parchment.³

At the several record centers improvements continued to the concluding years of this study. In 1620, upon report by Sir Edw. Coke, the Council ordered that the powder magazine which was situated close to the office of records be removed, and this was done.⁴ At the same time a survey of all the Tower buildings resulted in recommendations for the expenditure of £7,864 2s. 2d. for repairs, but this was not ordered before 1625. In the Westminster Treasuries orders were issued in June, 1624, by the Council to the Barons of the Exchequer to improve the ordering of the

¹Journal of House of Commons, I, 215. ²Ibid., I, 465.

³Journal of the House of Lords, III, 74a.

⁴Calendar of State Papers, Domestic (1619-23), p. 160 (James I, CXVI.5); Calendar of State Papers, Domestic (1623-25), p. 137 (James I, CLVI.13).

records in that court.¹ In or just before that same year the miscellaneous state papers which had continued in the second treasury in the palace were removed into the lately constituted State Paper Office, and the prerogatives and duties of the Vice Chamberlains in connection with the records which remained in their custody were further regularized.²

We would seem to be justified in concluding that substantial progress had been made during the reigns of Elizabeth and James in the care and better ordering of the public records. Particularly was this true in the first decade of Elizabeth's reign and again in the very last years of her reign and in that of James. Bowyer, Lambard, Agard, and others had distinguished the positions they occupied, and brought into the field of the public records that concern for English antiquities which had animated them and so many others as private collectors of historical manuscripts.

However, there were still large segments in the various offices which were in need of attention. Powell records that in the offices of the Remembrancers

Yoo shall observe, that if you will search with them for any matter of Antiquity: except you bring yo^r better instruction and direction therunto you shall but hunt a Dolphin in the Sea, and search at Randome; for they have no such perfect kalenders or Indices of direction with them as in Chancery (if they have any at all).

In describing the office where the Pipe Rolls were kept, he stopped short

because this Pipe hath more Rentes & Ruptures in it then all the Incke in any pen can soder: I will not take upon me to runne wth the streame of it any further.

He also wrote of difficulties in the record office of the Court of King's Bench. Turning from Westminster to the Tower, although recording the general good order there, he noted that

there be some Records in the Tower, which, because there is no order taken for reducing of them into Kalenders and their distinct Classes, can neyther be by me, nor any other, here, or elsewhere demonstrated, for which you must search at random & venture both time and expence.

¹Ibid., p. 275 (James I, CLXVII.66).

²Ibid., p. 434 (James I, CLXXX.99).

³Folger Shakespeare Library, Washington, MS 813.2, fols. 10a, 17a, 20a, 27a. This is a MS of the Direction for Search of

But these were but the remaining blemishes upon a canvas which had, in general, been well restored in the preceding years.

The established record treasuries and the changes which had been wrought in them before 1625 have now been surveyed. Possibly the most important evidence of an awakened consciousness of the value of the records remains to be discussed, the growth through these years of the understanding that the letters and papers of those who were conducting the large affairs of government were public rather than private property and the consequent establishment near the end of our period of study of a State Paper Office.¹

Probably, the ultimate establishment of a State Paper Office is to be accounted for by the emergence during the reign of Henry VIII of the office of Secretary of State as a position of high importance. It will be remembered that in the second treasury at Westminster there were, until the end of the reign of James I, various papers of state from earlier reigns. These papers seem to have been composed mostly of documents which had passed the Signet and records of the Council. However, about 1544, the same date we have noted for jurisdictional changes in the Rolls and Tower, entries of the receipt of documents of this kind cease in the records of the Receipt of the Exchequer.

A separate room or treasury, subsequently called the "Studie," had been established by that year or earlier as a repository for the papers. The location of this study was said by William Honnyng in 1544 to be in the gatehouse of the palace at

Records at least contemporaneous with the printed edition of 1622. The MS contains all the matter of the printed version plus these several passages of unfavorable tenor which were probably deleted at publication for reasons of policy.

¹Of all the record repositories, the only one whose history during the years of our study has been adequately written is the State Paper Office. Mr. Hubert Hall in his Studies in English Official Historical Documents, published in 1908, gave an account of this office and its backgrounds (pp. 30-38) which I have been able to amend or amplify in only a relatively few instances. Where there are no differences I shall give only a summary account. I do this not only because it has already been written, but because for the contemporary historical student even at the end of the period the State Paper Office had little importance, for reasons which will be apparent in the course of this study. Of course, its ultimate importance for the later students of English history possibly overshadows any other development in the years under survey.

Westminster.¹ This was probably the same building referred to in a warrant of 1548 to Anthony Denny, the keeper of the Palace, for £20,

in recompens of a hous buylded by him in Westminster Pallais, which was pulled down and employed to buylde a hous wherin to kepe the Kinges Majesties Recordes.²

However, it may be that this was a later place provided to which the records in the Gatehouse were moved, or possibly that there were already at that date two repositories for the papers. By the reign of Edward VI the documents in the study had been reduced to some order, apparently by Honnyng, and an inventory made of them.³ Augmentations began to be made; in 1547, Southwell, then Master of the Rolls, delivered up the records dealing with the attainder of the Duke of Norfolk and the Earl of Surrey and they were "ordred to be bestowed in the Studie at Westminster Palays where other recordes do lye."⁴

During these years and throughout the century the papers in the study were in the custody of the successive Secretaries of State and under the immediate care of their secretaries or clerks. The Secretaries responsible for the growth of the Papers were Paget, Sadleir, Wilson, Walsingham, Burghley and Sir Robert Cecil, under whom the repository of the State Papers became an Office of Records of the Realm. But although these men understood the value of the documents which passed through their office, it seems to have been the general view among them that those papers continued to be their private property. This view and policy explains the fact that the larger part of the state papers of the reign of Elizabeth are not among the State Papers in the Record Office, but went to Hatfield, where they still are, or came ultimately into the British Museum as the Lansdowne collection. It also explains too the apparently contradictory evidences available about the succession of keepers of the papers in the six-

¹Calendar of Letters and Papers, Henry VIII, XX, 11, 864.

²J. R. Dasent (ed.), Acts of the Privy Council, New Series (London, 1890), II, 188.

³Deputy Keeper of Public Records, "Calendar of Documents Relating to the History of the State Paper Office," Thirtieth Report (London, 1869), Appendix VII, p. 224 (S. P. Docs., I.1-4). Hereafter to be understood in references to Calendar of S. P. Docs.

⁴J. R. Dasent (ed.), op. cit., II, 106.

teenth century.

There were no appointments made for the keeping of the Studie. Each Secretary had his own clerk who remained in charge of the papers of his master even after the office of Secretary of State had passed to another. Of course, certain of the confidential clerks or secretaries advanced to higher office themselves, leaving the custody of the papers to others. However, only if we understand the continuing identity of the papers of each Secretary are we able to explain the fact that during a number of years there were several keepers of papers at the same time and that there was no succession, in the ordinary sense of that word.

In the first years of Elizabeth's reign the charge of at least some of the papers fell to the learned Dr. Thomas Wilson, the friend of Cheke and Ascham and the author of the Art of Rhetoric, and so forth. This charge, apparently, he retained until his own elevation to the position of Secretary of State in 1578.¹ Sir Thomas Wilson, a half century later attempting to establish the antiquity and continuity of his office, wrote that Dr. Wilson had been succeeded by Dr. William James. Possibly he did succeed to the keeping of those papers which Wilson had had in charge. In any event we soon do hear of him at Court in various capacities of a secretarial nature from about 1585,² and specifically as having some of the state papers in his charge from about that date to his death in 1600, just at the time he was to succeed to the keeping of the records in the Tower. There are references too, however, to Thomas Lake, Walsingham's secretary, as a keeper of state papers even before there is specific mention of James serving in that capacity. Their work in the Studie actually seems to have begun at about the same time.

In 1588, two years after Walsingham's term as Secretary of State had ended, Lake made a full catalogue of all of Walsingham's manuscripts and state papers, both those which were at "ye

¹Hall (op. cit., pp. 32,33) has effectively shown that the statement of Sir Thomas Wilson in 1623 that Dr. Thomas Wilson had letters patent to the Office of Keeper of the State Papers and that such an office was at least as ancient as 1578, is to be regarded as entirely untrustworthy and unlikely. The statement of Wilson is in Calendar of S. P. Docs., p. 235 (S. P. Docs., I.53).

²Calendar of State Papers, Domestic (1581-90), pp. 251, 306, 664.

Studie in London" and at "ye Court." In this catalogue he arranged the documents according to the countries concerned and the kind of affairs treated.¹ But both he and Dr. James "dealt with Secretary Walsingham's papers" during the Secretary's term and even as late as 1599.² They seem to have been jointly active in advancing the care of the State Papers. In 1597 they together proposed that three rooms under the Banqueting Hall at Whitehall be fitted with presses and shelves, planned by them, for the bestowing of the State Papers.³

Hall, though distrusting Wilson's account of the institution of an Office in 1578 passing successively from Dr. Wilson to James to Lake, is inclined to believe that James may have had some extra-official appointment to the oversight of the State Papers following Dr. Wilson, and that during the period that Lake was Clerk of the Signet (1592-1603) it was part of his office to assist in the State Papers. He conjectures that there was a system of preferment in which the Clerk of the Signet normally advanced to the charge of the Papers upon the preferment or death of the officer then in charge. There may have been such a hierarchy, and there was surely a close relation between the Clerk of the Signet and the State Papers, but I can find no evidence of anyone having general oversight of the Papers before the end of the reign of Elizabeth. Not only did James and Lake have records in their charge at the same time, but there were others who had the custody of at least some of the Papers also at that time.

Burghley's secretary, Henry Maynard, had the ordering and supervision of the papers which had passed from or to Burghley, and a letter from Dr. Giles Fletcher in 1590 requesting the sight of State Paper documents shows that it was his impression that Maynard, at the time, had in his charge all the Papers of the reign of Elizabeth.⁴ When Sir Robert Cecil became Secretary of

¹MS Stowe 162.

²Calendar of State Papers, Domestic (1598-1601), pp. 240-241 (Elizabeth, CCLXXI.82).

³Historical Manuscripts Commission, Ninth Report, Part VII (1899), p.431. It was estimated that £25 would be required for the work. Whether the repairs were made or the papers deposited here does not appear. Further, there is no indication whether these rooms were to replace the former "studie" or were to supplement it.

⁴MS Lansdowne lxxv.59, fol. 166.

State, his clerk, Levinus Munck, assumed the care of papers of the Secretary and some others. In 1598, he prepared a list of the books and papers "Remayning at Court" belonging among the State Papers.¹

Out of all of this divided authority and these extra-official labors, order began to emerge when in June, 1603, the king granted by Letters Patent to Sir Thomas Lake the charge of the State Papers with an annuity of £50. Thus, for the first time the keeping of the Papers was made a distinct appointment, granted for life, and outside the patronage of the Secretary of State. The consideration for the grant was recited to be "Sir Thomas Lake's pains in 'keeping, airing, and digesting' certain 'Records of matters of State' passed in the days of the King's progenitors and remaining in the palace of Whitehall; the charge of which has been and is committed by the Secretary of State to the said Sir Thomas."² Although the Patent did thus, in effect, establish a State Paper Office, the Office was not technically created until a Patent was issued to Munck and Wilson in 1610 naming them as Keepers of the Papers.

The history of the office from here is plain. Munck remained at the Study as Clerk of the Signet during Lake's term, and in 1605 he was joined by Sir Thomas Wilson.³ Upon Lake's preferment, a Patent was issued to Munck in March, 1610, providing a salary of £60, with a reversion to Wilson.⁴ In June, 1612, Wilson took an oath of office as Keeper.⁵ At the same time he initiated efforts to recover for the State Paper Office the papers of Secretary Salisbury and was successful in the attempt.⁶ In July, 1614, a new Patent was granted Wilson naming him as Keeper and giving the reversion to his son-in-law, Ambrose Randolph.⁷ Wilson retained the office until his death in 1629.

¹Calendar of S. P. Docs., p. 225 (S. P. Docs., I.5).

²Hubert Hall, op. cit., p. 34.

³State Papers, Domestic, James I, XC.119.

⁴The Patent is quoted and summarized in Sir Francis Palgrave, op. cit., I, xxii-xxiii.

⁵Calendar of S. P. Docs., p. 225 (S. P. Docs., I.9).

⁶Ibid. (S. P. Docs., I.8, 10).

⁷Ibid., p. 226 (S. P. Docs., I.14).

Despite, or possibly because of, his unpleasant character, his oppressive self-importance, his consuming jealousy, and his whining insistence, he proved an admirable Keeper in all respects except the one which would have most interested the contemporary historical student. Under him, many records were recovered, the records in the Office were classified and inventoried, new quarters were secured, and the Office firmly established. Yet he made the records there almost completely inaccessible.

Following his success in recovering the Salisbury papers, in 1618 he was able to bring into the Office the papers of Secretary Winwood, and in the following year reclaimed from Ralph Starkey by royal warrant the papers of Secretary Davison.¹ He waged a long war with Cotton, whose store of documents properly belonging to the State Paper Office infuriated Wilson.² In this, however, he failed in his objectives, Cotton securing permission even during his own keepership to remove "subscriptions and signatures of princes and great men, attached to letters otherwise unimportant, as he is collecting such for curiosity's sake,"³ and to borrow out of the Office divers papers of the reign of Elizabeth for the purpose of supplying additions to Camden's Annals.⁴ Wilson failed too in his efforts to have the more current state papers regularly sent into the Office,⁵ but he did succeed in securing the transfer of the state papers which had long lain in the second Exchequer Treasury.⁶

His energy in building the collection under his care was only equalled by his industry in classifying, arranging, and inventorying the papers once brought in. He separated the documents into twelve divisions, his classifications affecting the grouping of documents throughout the subsequent history of the

¹State Papers, Domestic, James I, XCVI.41; MS Harleian 286, fol. 286.

²State Papers, Domestic, James I, LXXXI.69.

³Ibid., XCVI.41.

⁴Ibid., CLXVIII.41; Calendar of S. P. Docs., p. 237 (S. P. Docs., I.73).

⁵State Papers, Domestic, James I, CXXXV.14.

⁶Ibid., CLXXX.99.

State Papers.¹

It is not possible to trace with accuracy the successive locations of the State Paper Office under Wilson. The original difficulty is that we have no way of knowing whether the Study had remained in the Gatehouse through the years or been removed to one of the other places that had been proposed at various times. In any event, we are sure that in 1618 the King, on understanding that the room in which the Papers then were was so weak that it could be easily broken into, ordered the records there moved to the tower at Whitehall. The Duke of Lenox, whose apartments were in the tower, objected strenuously after the Papers were brought up, and it appears that they were then moved a second time into an adjoining stone tower. Two months after their removal a fire swept the room from which the King had ordered the records taken. Some documents were lost, but none of those which Wilson considered State Papers. He soon grew restive, however, when it became apparent that what had been gained in added safety for the records by removal to the new quarters was more than offset by the loss of needed space. He thereupon petitioned for another place nearby, and it was then, apparently, that he was given for the State Paper Office two rooms over the Whitehall Gateway, opening upon three smaller rooms or closets and three turrets.² Here the records were being kept when our study ends.

With this account of the establishment of the State Paper Office as an Office of Records of the Realm and of the vigorous administration of the Office during the last years of the reign of James, the loci of the various classes of public records during the period have been described, and the noteworthy developments which transpired in the regard for records and the care of them have been charted. The study has revealed, I think, that the developments affecting the "records" were of as important and far reaching a character as those which were accomplished in the "manuscripts." We shall find too, I think, that, as among the manuscripts, the records generally, the state papers excepted, became more accessible and useful to the historical student as improvements were effected in their safety.

¹Calendar of S. P. Docs., pp. 229, 239 (S. P. Docs., I. 30, 91); MS Stowe 548.

²Calendar of S. P. Docs., pp. 230-233 (S. P. Docs., I. 32-34, 38); State Papers, Domestic, James I, CV.20; CXVIII.76B.

Throughout the period, the only barrier against the consultation and search of the preponderant majority of the documents in the established Record Offices by any applicant was the fee charged by the several keepers. These fees were high. They were not so fixed, however, in order to discourage or prevent the use of the records. Rather they were determined with the litigant in mind, whose necessities made him pay whatever the monopolists in the various record offices were pleased to tax him.

The fee in the Tower was a blanket one:

One whole dayes Searche from morninge to night with the attendance of one or two clerkes and the free use of all the Recordes there and of as many Kallenders as have ben made therof hath one entry Fee of Tenne Shillinges.¹

Powell reported that the payment of the one fee permitted entry even beyond a single day, that it entitled one to "search for the same thing so often and so long, as until you be reasonably well satisfied."² In addition, however, if any records were copied, the charge for each sheet copied was 8d. If the clerks were to attest the copy the fee was 2s.³

The Rolls Chapel charges were set somewhat differently. The fees for copying and attesting were the same, but the fees paid for search were determined by the number of records used. There was a charge of 1s. for each use of the Calendars and Indices, by means of which all records were located. For each record called for and sight of which was had, the fee was 4d.⁴ Moreover,

Out of the foresaid generall Rule, I must except such things as are not in the Kalender, as the Bundles, called Brevia Regis, Foreigne Rolls, and the like; the search whereof is very uncertaine, and intricate: For in those searches, your Fee must answer the Clarkes extraordinarie paines.⁵

At the Four Treasuries in Westminster, the Chamberlains' fees were more nearly like those of the Tower keepers. A charge of 8s. 2d. was made for search in the two Abbey treasuries and

¹MS Lansdowne cxiii.35, fol. 112b; see also, State Papers, Domestic, James I, CC.12.

²Direction for Search of Records, p. 19.

³Ibid.; The Repertorie of Records, p. 11.

⁴Direction for Search of Records, pp. 14-15; The Repertorie of Records, p. 4; MS Lansdowne clxxiv.12, fol. 50; 27, fol. 224.

⁵Direction for Search of Records, p. 15.

in the second Palace treasury. This fee, I take it, permitted continued search in all or any one of these offices, but there was an additional charge of 6s. 8d. made for search in the first Palace treasury if sight of Domesday book were had. For copying any record, the Chamberlains exacted 1s. for each sheet, but for copying anything out of Domesday book "to be written in the old Saxon Letter," the charge was 4d. for each line.¹

The fees in all the record treasuries, then, if they were applied rigorously would surely operate to discourage or make impossible extended researches by antiquarians in the records. There is little evidence to go on, and the present practice is to the contrary, but I should venture that most often these fees were strictly enforced against those to whom they were primarily addressed--lawyers, litigants, and those who came to the records in the course of their employment. We have had occasion to note how many of the record keepers, particularly from the beginning of the reign of Elizabeth onward, were themselves antiquarians and how often tribute was paid to one or another of them for their help in various studies. Moreover, we noted earlier the close community of interest which seemed to bind most of those who were engaged in historical pursuits at the time. It seems to me, that these facts taken together indicate that fees were, perhaps, not always assessed where the searches being carried on were for mere antiquarian purposes. There is some evidence for this conclusion in the circumstance that in the lengthy list of those who paid fees at the Tower Record Offices for the search of records from Michaelmas term, 1614, to Trinity term, 1617, I have been able to find the name of no one who was, so far as I know, engaged primarily in historical studies at that time, no one whose name we should certainly expect to come upon in a list of record searchers.² Other and known ways by which the fees were circumvented by the historical students were provided by the keeper himself undertaking researches in the records under his care for the use of other antiquarians, and by the loan from the treasuries of documents to those who were doing historical work.

I have said that the fees were the only barrier to the

¹ Ibid., p. 53; the fees in the several other Westminster offices are given passim.

² State Papers, Domestic, James I, CC.12.

sight of records, but in the early years under survey the usefulness of the records to the historical student or other was seriously impaired by the lack of calendars and guides in the various treasuries. In this field, however, great improvements were effected before the end of the period, as will already have been observed in the course of this chapter.

Among the several treasuries the Rolls Chapel was exceptional in the early years of our study in that its records seem even then to have been calendared. The fee system in use there throughout the period was indicative of an almost completely indexed collection. Powell, in his statements about the fees already quoted, excepted only the Brevia Regis and the Foreign Rolls as uncalendared. The Rolls Calendar was apparently routinely augmented, for I find only one specially prepared calendar of any Rolls records during the entire period, a Calendar of the Patent Rolls of the reign of Henry VII made by Sir William Dethick.¹ Yet Powell spoke of the "perfect kalenders or Indices of direction . . . in Chauncery,"² and Sir Julius Caesar boasted that in the Rolls the searcher "fyndeth exact bookes and calenders to bringe him to the sight of that he desier."³

At the Tower the situation was a vastly different one. Bowyer reported that the records there were not begun to be calendared until 1547,⁴ and Lord Stafford in 1564 claimed that his

Reportories of ēvy matter from king Johns dayes till Richard the thirde, of Charter rolles, patent rolles, and pliamēt Rolles from Edward the third till Richard the thirde were the first guides to the Tower collection: "afore my travaill ther was none other then knowen."⁵

These, apparently, were kept for his own use, however, for Bowyer did not have the sight of them in the eight years of his deputyship, during which he says he spent a thousand pounds of his own money in registering all the Parliament Rolls, Patent

¹MS Lansdowne ccliv.10. No date for the Calendar is indicated. Dethick died in 1612.

²Direction for Search of Records, p. 35.

³MS Lansdowne clxxiv.12, fol. 50.

⁴MS Lansdowne cxiii.35, fol. 112b.

⁵MS Lansdowne cxiii.33, fol. 104a.

Rolls, and Rolls dealing with Wales, Ireland, Scotland, Rome, France, Normandy, and Germany from the reign of King John to the end of Edward IV in six great volumes, in addition to making a journal of Parliamentary transactions for the reigns of Henry VIII and Edward VI.¹ This was a far more elaborate work than the one he compiled called "A Perfecte Kallendar of all the Records remayning in the Office of Records at the Tower of London,"² which Powell published at the end of his Repertorie saying that although it

came to my hands from an Author unknown, even as the printer was drawing the laste sheete of the precedent worke from the presse, I was content to give it wharfage, and to let it be laid on shore with the rest.³

Other calendars of the Tower records were made during the rest of the century, for we have already noted the numerous calendars of the records there which were kept in the King's Remembrancer's office in 1592.⁴ The difficulty at the Tower in regard to the early calendars seems to have been that each keeper made calendars or indices at his own expense and that when he left office he retained them as his own property unless the succeeding keeper were willing to buy the instruments of search from him. When Peter Proby was fighting to maintain his office as keeper, his principal allegation was that he had bound himself to pay £200 to Michael Heneage for such "instruments very necessary for the searches of the records" as Heneage had used while he was keeper. The Judicial Commission and Council recognized Proby's claim and ordered the Master of the Rolls to buy those same books from Proby for £250.⁵ Powell records another instance of the same sort in describing the Foreign Rolls in the Tower, saying that

Only the pitty is that the Kalendar directing to them, is carryed away by a late Clarke of the Office, and made one

¹MS Lansdowne cxiii.34, fol. 107a and b.

²MS Harleian 94.4 and 7, fols. 43-48, 65-73.

³The Repertorie of Records, fol. A₄ verso; the "Kallendar" is printed at pp. 145-215.

⁴Ibid., pp. 136-144. It seems permissible to conjecture that at least some of these calendars were those made by Lord Stafford.

⁵MS Stowe 415.39, fols. 191b, 192a.

mans property wch would better become a ppetuall cōmunitye.¹

It is this situation, I believe, which gave such significance to Lambard's presentation to the Queen of his "Pandects of all her Rolls, Bundles, Membranes, and Parcels, that be reposed in her Majestys Tower att London."² That part of the interview on that occasion which concerned Richard II is well known, but the Queen's fulsome praise of Lambard's work may bear repetition in part. As the interview opened the Queen said to Lambard

You intended to present this Booke unto mee by the Countess of Warwicke, but I will none of that; for, if any subject of myne doe mee a service, I will thankfully accept it from his owne hands.

She proceeded to question Lambard about the meaning of various terms used, and, according to Lambard, she concluded the interview by

commendinge the worke, not only for the paynes therein taken, but alsoe for that shee had not receaved since her first comminge to the crowne any one thinge that brought therewith soe great delectation unto her; and soe beinge called away to Prayer, shee putt the Booke in her Bosome, havinge forbidden mee from the first to the last to fall upon my Knee before her, concludinge - "Farewell, good and honest Lambard."³

Yet the book itself was not of much greater value than other calendars which had been done before. The audience and the excessive words of the Queen are only to be explained if it is understood that Lambard's Pandect was the first official or public calendar of the Tower records, and that the presentation to the Queen symbolized this fact. It did mark a real advance in the keeping of the records at the Tower.

The bulk of the records in the Westminster treasuries would seem to have remained largely uncalendared for longer even than those at the Tower. I have been able to find no reference to any Exchequer repertories before the time of Agard. He seems single-handed to have brought the records there into a state in which they could be easily used. His works were various. He wrote and deposited in the first Treasury "a booke of Domesdai,"

¹Folger Shakespeare Library, Washington, MS 813.2, fol. 10a.

²MS Stowe 543, fols. 1-55.

³MS Additional 15664, fols. 226, 227; this was printed in J. Nichols, Bibliotheca Topographica Britannia (London, 1780), I, 525-526.

which "will ready the Searcher much, both for the reading, and for the somewhat better understanding" of Domesday Book.¹ He compiled a register of all the treaties between England and Scotland from Edward the Confessor to 1586 which remained in the Chapter House in the Abbey,² and later a "Calendar of all the Leagues and Treaties betweene the Kings of England and other States, as they are placed in the 4th Treasury at Westminster."³ He wrote various accounts and calendars of sections of the Exchequer records, now to be found in the Harleian, Lansdowne, and Cotton collections, and probably was the author of the miscellaneous calendars and aids to search deposited in the Exchequer for the use of searchers,

whiche Bookes and Records ought neyther to be given or lent away to any, least they returne not againe.⁴

It was Agard too who undertook a systematic description of the classes of records preserved in the several Record Offices of the Realm,⁵ and largely from his papers Powell published the two surveys of all the older Record Offices in 1622 and 1631, as he partially acknowledges in the preface to The Repertorie of Records:

It may be objected unto me, that the collation of these things, is not all made up and digested into this fabrique of mine owne materials and structure, and I do ingeniously confesse it: Seeing the foure Treasuries were collected by M. Agard, his private notes, a man very industrious and painefull in that kinde; and one, who had continuall recourse unto the most, and custody of many of the rest of the same.⁶

¹The Repertorie of Records, p. 133; this seems to be a reference to a manuscript now among the Cotton manuscripts--Vitellius ix, which is a Latin account of abbreviations, symbols, and obsolete words in Domesday.

²This is printed as Tractatus Pacis . . . in Sir Joseph Ayloffe, op. cit., pp. 285-325.

³The Repertorie of Records, pp. 97-120; this seems to be a part of MS Lansdowne cxxvii, which is a catalogue of all the foreign papers from the several treasuries which Agard removed into the Abbey Treasury, as related above.

⁴Ibid., p. 135; as at the Tower these too seem to have been regarded as private property, cf., State Papers, Domestic, James I, LXXXI.69.

⁵MSS Lansdowne clxxi.174; Harleian 94.6, fols. 51-65.

⁶Fol. A₄ verso.

In the light of these developments at the Tower and the Exchequer in the late years of our study, the historical student searching for documents in 1625 would have been confronted with far fewer difficulties than had attended the location of records even so short a while before as 1598.¹ Although the earlier lack of proper guides to the public records was doubtless a deterrent to researches being undertaken in them, nevertheless when a student or any other subject desired to have access to them, there were, during the whole period of this study, but the fewest records in any of the established Record Offices of the Realm of which he could not have the freest use subject to the payment of the fees which the keeper wished to exact. Powell, in his two surveys of the three record centers, exempted from the records which were available for use only two groups of documents. In the Fourth Treasury in the Abbey he noted that among all the treaties, bulls, wills, and so forth, there was one

bag of Cordover, sealed with a seale of Privy Councillers, and it is not to be opened, but by the Prince and those of the privie Councell, wherein are secret matters,²

and that in the record office of the court of King's Bench on the crown office side there were some documents concerning businesses of the crown which had been removed from public use at the beginning of the reign of James,

For that about that time it was ordered that the same should be very strictly kept under three severall keyes, the one wherof to be with the Lord Chiefe Justice. The other with his Maties Attorney Generall. The Third with the Custos Brevium of that Courte for y^e time being.³

Acknowledgments for special favors and considerations in the use of manuscripts were, as we saw earlier in this study, common in the books produced by scholars in the period, yet the use of records in the various Record Offices is cited routinely and without acknowledgment in the works of Llwyd, Stow, Fleetwood, Powel, Lambard, Camden, Burton, Vincent, Selden, and others. Camden said simply:

I have beene diligent in the Records of this Realme. . . .
I have poored upon many an old Rowle, and Evidence: and pro-

¹Calendar of State Papers, Domestic (1598-1601), pp. 6, 240-242 (Elizabeth, CCLXVI.17; CCLXXI.82, 83, 84).

²The Repertorie of Records, p. 93.

³Folger Shakespeare Library, Washington, MS 813.2, fol. 27a.

duced their testimonie (as beyond all exception) when the cause required.¹

The implications of this forthright and unqualified statement are only to be recognized when it is understood that consultation of the Records of the Realm was not a privilege granted by the authority of any individual, it was a right of all English subjects, established in the reign of Edward III and confirmed by successive monarchs. There is no evidence that the right was impaired during the reigns of the Tudors or in the reign of James I. The words of the Lord Chief Justice Coke are absolute:

These records, for that they contain great and hidden treasure, are faithfully and safely kept (as they well deserve) in the King's Treasury. And yet not so kept but that any subject may for his necessary use and benefit have access thereunto, which was the ancient law of England, and so is declared by an Act of Parliament in 46 Edward.^{3.2}

The general good order which had been developing in the several long established Offices of Records during the reign of Elizabeth, and which had been effected during the reign of James, taken with this freedom to use the Records of the Realm, gave to the historical student in England for the first time an opportunity to use the official documents extensively and systematically. Selden, in his letter to Vincent in 1622, noted the essential lack of such research in earlier historical work, excepting only the labors of a few, but placed the responsibility for any further continuation of this condition in English historical works squarely upon the shoulders of the historian. An important landmark in English historical studies had thus been reached:

For your so often taking helpe from the Records, or publique Acts of the State; you have therein as well taught the right way for such as shall collect a store for the new writing of any part of our Storie, as, in this particular, to so good purpose, gone through it. Those publique Acts are a iust Touch for the triall, and a large Treasurie, for the increase of what we receive in our common Histories, as well of the latter as elder times. For, except onely the Annals of Queene Elizabeth, and the life and raigne of King Henry the VII. lately set forth by learned men of most excellling abilities,

¹Philemon Holland (trans.), Britain (1610), fol. *₄ recto; cf. also, Selden, Historie of Tithes, fols. f₂ verso- f₄ verso.

²J. H. Thomas and J. F. Fraser (eds.), The Reports of Sir Edward Coke (London, 1826), Third Part, Preface, p. vi; and see, Royal Commission on Public Records, Appendices to the First Report (London, 1912), I, ii, 57.

we have not so much as a publique piece of the Historie of England, that tastes enough either of the Truth or Plenty that may be gained from the Records of this Kingdome. And amongst the old Monkes, who have left us our best Annals of the more ancient time, there are but very rare examples of any use of them. Onely, as I remember, in Henry of Knighton a Canon of Leicester, and in the Author of a very good MS. Annal in the universitie Library at Oxford, beginning in the yeare MCCLIX. and ending in Henry the fift, it appears that they had a speciall care to be inform'd from some Parliament Rolls of the times of Richard the II. and Henry the IV. Neither have I met with another among them that deserves so much praise that way. But what ever our own Country men have herein performed; there is sufficient example also for direction to this kinde of use of Records or Publique Acts, in the best Historians of other States. . . . But what a world of Historicall matter both of our Church and State, lyes hid in the Records kept in the severall Offices of the Exchequer, in the Tower with you, in the Chappell of the Rols, in the Paper Chamber (which is also an Office of Records of State) in the Journals of Parliament, in the Registers of the Archbishop of Canterburie, Winchester, Lincolne, and in some other places of obscurer name, whereof there is not so much as any memory in our common Histories. In France also they have an exceeding number of Records of what passed betweene the English and French, from the time of our King Stephen, and their Philip the first, which falls about MCLXX. untill our Edward the VI. and their Henry the II. as they are noted by Du Tillet, with direction to the severall bags and boxes wherein they are kept. Of many of them we have Doubles heere in England. . . . And to labour with the fancie of a fairer language, or better order for the Composition of our storie or any part of it (as divers have done) without the carefull searching of these kinde of helps, is but to spend that time & cost in plastering onely, or painting of a weaker poore building, which should be employed in provision of timber and stone for the strengthening and inlarging it.¹

From this responsibility must be exempted those who wished to write the history of their own time. The most important documents necessary to such a history of the reign of Henry VIII or of any of his successors were, of course, the State Papers. Until 1610, as has been said, they were not Records of the Realm at all but continued to be regarded as the property of the several Secretaries of State. Access to them was entirely at the discretion and pleasure of the then Secretary. Permission for their use was sometimes granted, but it was given as a special and limited commission, only to one in high favor, and is to be viewed as exceptional rather than usual. Cotton, of course, had entrée, and Camden was given the use of the papers when he was selected by Burghley as a sort of official historian for the reign of

¹Augustine Vincent, op. cit., fols. a₁ verso- a₂ recto.

Elizabeth:

William Cecil, Baron of Burghley, Lord High Treasurer of England, (about 16. yeers past) opened unto me (farre from my thought) first, some memorials of State of his own: afterwards, those of the Kingdome; and from them, willed me to compile a Historie of Q. Elizabeths Raigne from the beginning.¹

I take it that Burghley had made sure that Camden's view of the office of an historian coincided with his own before he made the selection. He would have found unobjectionable Camden's professions:

Things Manifest, I have not concealed; things Doubtful I have tenderly interpreted: the more Abstruse, I have not been too inquisitive of; The unsearchable intents of Princes (saith that Prince of Historie) and what they out of reasons of State pretend, is not fit to inquire; & being doubtfull, not to be explored. And with Halycarnassaeus, I am iustly angry, which the ignorant critiques, who go about to know or find out more than is iustly permitted.²

Even Camden, however, when he resumed his work upon the history, which he had discontinued when Burghley died, appears to have had to depend upon the documents which Cotton brought him out of the Papers:

I sedulously volved & revolved Characters of Kings & Peers, Letters, Consultations held at the Councell-Table; I ran through the instructions & letters of Ambassadors, & likewise the Records & Iournals of Parliaments, Acts & Statuts, & read over al Proclamatiōs. For most of which (as I ought) I hold my self chiefly bound to sir R. Cotton.³

Sir Peter Manwood seems to have performed a similar service for Richard Knollys, whose own attempts to gain access apparently met with no favor. In 1603 Knollys had published his Generall Historie of the Turkes in the dedication of which he said he was moved and encouraged to undertake the work by Manwood. Two years later in dedicating his translation of Bodin's Republique to Manwood he is bitter that he has not been able to continue the Turkish history to that day because of the denial of records:

such having been the policies of latter times, as to keepe secret the reasons and certaine knowledge of the doings of great Estates, that if some of the most wise, mightie, and Honorable, sitting at the helmes of Commonweales, doe not

¹ Annales of Elizabeth, The Author to the Reader.

² Ibid.

³ Ibid.

shew the way, posteritie will be defrauded of the most excellent things that many ages have before brought forth.¹

At some time during the next few years, however, papers relative to Turkey were delivered to Manwood out of the State Paper chamber,² and in 1610 Knollys published a new edition of the Generall Historie with a hundred and fifty pages of additional matter continuing the history to the year of publication.

We have evidence too of denials of the petitions of two men who were minded to write histories of Elizabeth's reign, Dr. Giles Fletcher and Fulke Greville. In 1590, Fletcher wrote a letter to Burghley announcing his intention to write the history of the reign in Latin and enclosing a sheet on events of the first year as a sample. He also attached a sheet of "matters to bee instructed in," on which he asked Burghley's help, and to resolve which he asked for an order to Maynard to give him limited access to the pertinent documents:

Y^r L. knoweth what is needfull, to make it a storie not a tale, bysides res gestae to have consilia rerum gestarū. Whearin I shall fynd great defect except y^r L. vouchsafe mee y^r help for instructions. I desire not the very arcana (wch are best when they are secreatst) but so muche as shalbee necessary to explain & iustifie the actions. To w^{ch} pourpose I have sett downe a briefe of the first book & extracted out of it the pointes to bee instructed in, which I mean to observe in the course of the whole for beeing over troublesom to y^r L. & to note only so muche at once as may serve for an book. Except it please y^r L. to give order to M^r Mainard that I may see at once so muche as I need. Whear all so I am most humbly to intreat y^r L. that it may bee doon under y^r patronage. Y^r L. knoweth what it is to write a storie specially de praesentibus & how hard it is to please truth & the actours. If the idea & generall scope tend to the honour of hir Maties government I hope it wilbee borne withall if I tell truth in occurrent matters. For the rest I am to speak honour of that which deserveth it & truth of all.³

For whatever reason, no order was issued, apparently, and Fletcher did not again advert to his purposed work.

Fulke Greville's experience is better known. After the death of Elizabeth, he reports, upon giving much consideration to the plan of the history,

I adventured to move the Secretary, that I might have his favour to peruse all obsolete Records of the Councell chest,

¹The Six Bookes of a Common-Weale (London, 1606).

²Calendar of S. P. Docs., p. 225 (S. P. Docs., I.11).

³MS Lansdowne lxxv.59, fols. 166-169.

from those times downe as near to these, as he in his wisdom should think fit.

Secretary Cecil questioned him upon his purposes in the history and was well satisfied

so that my abrupt notion tooke hold of his present Counsell. For he liberally granted my request, and appointed me that day three weeks to come for his warrant, which I did.

At this second interview, however, although the Secretary was gracious and friendly, he first attempted to dissuade Greville from his purpose, and after hearing Greville's views on the office of an historian reversed his previous decision, saying

that upon second thoughts he durst not presume to let the Councell-chest lie open to any man living, without his Majesties knowledge and approbation.

Greville then humbly withdrew and determined that he would abandon his project because Cecil's conditions "would necessarily require sheet after sheet to be viewed, which I had no confidence in my own powers to abide the hazard of," and because he felt that in the end his book would have been judged and altered by so many that it would become "a story of other mens writing, with my name only to put to it."¹

It should be noted too in connection with a consideration of the usefulness of the records in the Paper chamber to historical students that, at least until the ministrations of Sir Thomas Wilson, the searcher who was able to gain access would find few helps to the location of documents. Camden described his experience there in these terms:

But in the first entrie, a most intricate difficultie deterred me: I fell upon whole masses of writings, & instruments of all kinds, well enough digested for the computation of the times, but very confused for varietie of argument; in examining whereof, I was covered with dust and sweat. I diligently collected together fit matter, harder to find out than I expected.²

¹Sir Fulke Greville, Lord Brooke, The Life of the Renowned Sir Philip Sidney (London, 1652), pp. 236-241. This account seems to me consistent with all that we know about difficulties at the time in securing access to the State Papers, without which no serious contemporary history could be written. Greenlaw, however (Edwin Greenlaw, Studies in Spenser's Historical Allegory, Johns Hopkins Monographs in Literary History, No. 2 [Baltimore: Johns Hopkins University Press, 1932], p. 81), argued that Greville was timid and lazy, "Very likely he was really seeking an excuse for not engaging in research." This view comes, I think, from an insufficient differentiation between conditions at the Paper chamber, where studies in contemporary history would have to be undertaken, and those in the established Record Offices.

²Annales of Elizabeth, The Author to the Reader.

The continued want of record sources for the contemporary period which resulted from these circumstances must have been equally as potent a deterrent to the undertaking of modern historical studies as that fear which Raleigh records that "who so ever in writing a moderne Historie, shall follow truth too neare the heeles, it may happily strike out his teeth."¹ The difficulty of writing contemporary history for want of sources, and at the same time the difficulty of the authorities in supplying those sources was recognized in the reign of Henry VIII. In a letter to the King reporting the conclusions of a commission appointed to consider reforms in the Inns of Court, Thomas Denton, Nicholas Bacon, and Robert Cary recommended, since it was necessary that some one be deputed to keep a chronicle of the acts of the time, that two leading students from the Inns be appointed to the task, and, since means had to be provided by which they could be made cognizant of affairs, proposed that

those two or one of them when any notable arraignment or high Treason shall be, to give openly evidence for the King's Highness by the Council's appointment, whereby they being so made privy to the matter, may the more truly and lively in their Chronicles set forth the same.²

Nothing was done, however.

It might appear that after 1610 when the "Studie" became an Office of Records the same freedom of access would have prevailed at the State Paper Office as at other Record Offices. Selden's hopes in this regard I take to be expressed in the parenthesis: "which is also an Office of Records of State," with which he followed mention of the Paper Chamber. Any such hopes met disappointment. Access to the Papers continued to be allowed only by warrant from the King or Lord Chamberlain.³ Thus the reigns of the last four Tudors and James remained, alone out of all the reigns after the Conquest from which any Records survived, the one period whose record sources were not available for unhindered and fruitful research by 1625.

¹The History of the World (London, 1614), fol. E₄ recto.

²Edward Waterhous, Fortescutus Illustratus (London, 1663), p. 542.

³State Papers, Domestic, James I, LXXXVI.3; XCVI.41.

